

Chapter 1
Administration of Public Education at the State Level

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

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

- (1)
 - (a) The continuous cultivation of an informed and virtuous citizenry among succeeding generations is essential to the state and the nation.
 - (b) The state's public education system is established and maintained as provided in Utah Constitution, Article X, and this title.
 - (c) Parents and guardians have the primary responsibility for the education of their children and elect representatives in the Legislature and on state and local school boards to administer the state public education system, which provides extensive support and assistance. All children of the state are entitled to a free elementary and secondary public education as provided in Utah Constitution, Article X.
 - (d) Public schools fulfill a vital purpose in the education and preparation of informed and responsible citizens who:
 - (i) fully understand and lawfully exercise their individual rights and liberties;
 - (ii) become self-reliant and able to provide for themselves and their families; and
 - (iii) contribute to the public good and the health, welfare, and security of the state and the nation.
- (2) In the implementation of all policies, programs, and responsibilities adopted in accordance with this title, the Legislature, the State Board of Education, local school boards, and charter school governing boards shall:
 - (a) respect, protect, and further the interests of parents and guardians in their children's public education; and
 - (b) promote and encourage full and active participation and involvement of parents and guardians at all public schools.

Repealed and Re-enacted by Chapter 415, 2015 General Session

53A-1-102.5 Planning for Utah's public education system.

- (1) Before November 30, 2016, the State Board of Education shall:
 - (a)
 - (i) prepare a report that summarizes, for the last 15 years or more, the policies and programs established by, and the performance history of, the state's public education system; and
 - (ii) prepare a formal 10-year plan for the state's public education system, including recommendations to:
 - (A) repeal outdated policies and programs; and
 - (B) clarify and correlate current policies and programs; and
 - (b) submit the report and plan described in Subsection (1)(a) to the Education Interim Committee for review and recommendations.
- (2) The State Board of Education shall review and maintain the 10-year plan described in Subsection (1)(a)(ii) and submit the updated plan to the Education Interim Committee for review and approval at least once every five years.

Enacted by Chapter 415, 2015 General Session

Part 2
State Board of Education Members - Officers - Compensation - Meetings

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

- (1) Members of the State Board of Education shall be nominated and elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
- (2) The State Board of Education shall elect from its members a chair, and at least one vice chair, but no more than three vice chairs, each year at a meeting held any time between November 15 and January 15.
- (3)
 - (a) If the election of officers is held subsequent to the election of a new member of the board, but prior to the time that the new member takes office, the new member shall assume the position of the outgoing member for purposes of the election of officers.
 - (b) In all other matters the outgoing member shall retain the full authority of the office until replaced as provided by law.
- (4) The duties of these officers shall be determined by the board.
- (5) The board shall appoint a secretary who serves at the pleasure of the board.
- (6) An officer appointed or elected by the board under this section may be removed from office for cause by a vote of two-thirds of the board.

Amended by Chapter 415, 2015 General Session

53A-1-202 Compensation for members of the State Board of Education -- Insurance -- Per diem and expenses.

- (1) The salary for a member of the State Board of Education is set in accordance with Section 36-2-3.
- (2) Compensation for a member of the State Board of Education is payable monthly.
- (3) A State Board of Education member may participate in any group insurance plan provided to employees of the State Board of Education as part of the State Board of Education member's compensation on the same basis as required for employee participation.
- (4) In addition to the provisions of Subsections (1) and (3), a State Board of Education member may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 61, 2016 General Session

Amended by Chapter 144, 2016 General Session

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

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

- (2) The State Board of Education shall, at least quarterly, meet with and receive recommendations from:
 - (a) two members of the State Board of Regents, appointed by the chair of the State Board of Regents;
 - (b) one member of the Utah College of Applied Technology Board of Trustees, appointed by the chair of the board of trustees; and
 - (c) one member of the State Charter School Board, appointed by the chair of the State Charter School Board.
- (3) A majority of all members is required to validate an act of the board.

Amended by Chapter 415, 2015 General Session

53A-1-204 Gross neglect of duty -- Nonpayment of salary or expenses.

- (1) Failure of a member of the State Board of Education or of a governing board of a branch or division of the public school system to carry out responsibilities assigned by law or to comply with rules of the State Board of Education is gross neglect of duty.
- (2) Salary or expenses shall not be paid for work which violates rules of the board.

Enacted by Chapter 2, 1988 General Session

**Part 3
State Superintendent**

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

- (1)
 - (a) The State Board of Education shall appoint a superintendent of public instruction, hereinafter called the state superintendent, who is the executive officer of the board and serves at the pleasure of the board.
 - (b) The board shall appoint the state superintendent on the basis of outstanding professional qualifications.
 - (c) The state superintendent shall administer all programs assigned to the State Board of Education in accordance with the policies and the standards established by the board.
- (2) The State Board of Education shall, with the appointed superintendent, develop a statewide education strategy focusing on core academics, including the development of:
 - (a) core standards for Utah public schools and graduation requirements;
 - (b) a process to select model instructional materials that best correlate to the core standards for Utah public schools and graduation requirements that are supported by generally accepted scientific standards of evidence;
 - (c) professional development programs for teachers, superintendents, and principals;
 - (d) model remediation programs;
 - (e) a model method for creating individual student learning targets, and a method of measuring an individual student's performance toward those targets;
 - (f) progress-based assessments for ongoing performance evaluations of districts and schools;
 - (g) incentives to achieve the desired outcome of individual student progress in core academics, and which do not create disincentives for setting high goals for the students;

- (h) an annual report card for school and district performance, measuring learning and reporting progress-based assessments;
 - (i) a systematic method to encourage innovation in schools and school districts as they strive to achieve improvement in their performance; and
 - (j) a method for identifying and sharing best demonstrated practices across districts and schools.
- (3) The superintendent shall perform duties assigned by the board, including the following:
- (a) investigating all matters pertaining to the public schools;
 - (b) adopting and keeping an official seal to authenticate the superintendent's official acts;
 - (c) holding and conducting meetings, seminars, and conferences on educational topics;
 - (d) presenting to the governor and the Legislature each December a report of the public school system for the preceding year to include:
 - (i) data on the general condition of the schools with recommendations considered desirable for specific programs;
 - (ii) a complete statement of fund balances;
 - (iii) a complete statement of revenues by fund and source;
 - (iv) a complete statement of adjusted expenditures by fund, the status of bonded indebtedness, the cost of new school plants, and school levies;
 - (v) a complete statement of state funds allocated to each school district and charter school by source, including supplemental appropriations, and a complete statement of expenditures by each school district and charter school, including supplemental appropriations, by function and object as outlined in the United States Department of Education publication "Financial Accounting for Local and State School Systems";
 - (vi) a complete statement, by school district and charter school, of the amount of and percentage increase or decrease in expenditures from the previous year attributed to:
 - (A) wage increases, with expenditure data for base salary adjustments identified separately from step and lane expenditures;
 - (B) medical and dental premium cost adjustments; and
 - (C) adjustments in the number of teachers and other staff;
 - (vii) a statement that includes data on:
 - (A) fall enrollments;
 - (B) average membership;
 - (C) high school graduates;
 - (D) licensed and classified employees, including data reported by school districts on educator ratings pursuant to Section 53A-8a-410;
 - (E) pupil-teacher ratios;
 - (F) average class sizes calculated in accordance with State Board of Education rules adopted under Subsection 53A-3-602.5(4);
 - (G) average salaries;
 - (H) applicable private school data; and
 - (I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school and district;
 - (viii) statistical information regarding incidents of delinquent activity in the schools or at school-related activities with separate categories for:
 - (A) alcohol and drug abuse;
 - (B) weapon possession;
 - (C) assaults; and
 - (D) arson;
 - (ix) information about:

- (A) the development and implementation of the strategy of focusing on core academics;
- (B) the development and implementation of competency-based education and progress-based assessments; and
- (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by individual progress-based assessments and a comparison of Utah students' progress with the progress of students in other states using standardized norm-referenced tests as benchmarks; and
- (x) other statistical and financial information about the school system which the state superintendent considers pertinent;
- (e) collecting and organizing education data into an automated decision support system to facilitate school district and school improvement planning, accountability reporting, performance recognition, and the evaluation of educational policy and program effectiveness to include:
 - (i) data that are:
 - (A) comparable across schools and school districts;
 - (B) appropriate for use in longitudinal studies; and
 - (C) comprehensive with regard to the data elements required under applicable state or federal law or state board rule;
 - (ii) features that enable users, most particularly school administrators, teachers, and parents, to:
 - (A) retrieve school and school district level data electronically;
 - (B) interpret the data visually; and
 - (C) draw conclusions that are statistically valid; and
 - (iii) procedures for the collection and management of education data that:
 - (A) require the state superintendent of public instruction to:
 - (I) collaborate with school districts in designing and implementing uniform data standards and definitions;
 - (II) undertake or sponsor research to implement improved methods for analyzing education data;
 - (III) provide for data security to prevent unauthorized access to or contamination of the data; and
 - (IV) protect the confidentiality of data under state and federal privacy laws; and
 - (B) require all school districts and schools to comply with the data collection and management procedures established under Subsection (3)(e);
- (f) administering and implementing federal educational programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National Education Programs Act; and
- (g) with the approval of the board, preparing and submitting to the governor a budget for the board to be included in the budget that the governor submits to the Legislature.
- (4) The state superintendent shall distribute funds deposited in the Autism Awareness Restricted Account created in Section 53A-1-304 in accordance with the requirements of Section 53A-1-304.
- (5) Upon leaving office, the state superintendent shall deliver to the state superintendent's successor all books, records, documents, maps, reports, papers, and other articles pertaining to the state superintendent's office.
- (6)
 - (a) For the purpose of Subsection (3)(d)(vii):
 - (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of students enrolled in a school by the number of full-time equivalent teachers assigned to the school,

including regular classroom teachers, school-based specialists, and special education teachers;

- (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of the schools within a school district;
 - (iii) the pupil-teacher ratio for charter schools aggregated shall be the median pupil-teacher ratio of charter schools in the state; and
 - (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median pupil-teacher ratio of public schools in the state.
- (b) The printed copy of the report required by Subsection (3)(d) shall:
- (i) include the pupil-teacher ratio for:
 - (A) each school district;
 - (B) the charter schools aggregated; and
 - (C) the state's public schools aggregated; and
 - (ii) indicate the Internet website where pupil-teacher ratios for each school in the state may be accessed.

Amended by Chapter 348, 2016 General Session

53A-1-302 Compensation of state superintendent -- Other board employees.

- (1) The board shall establish the compensation of the state superintendent.
- (2) The board may, as necessary for the proper administration and supervision of the public school system:
 - (a) appoint other employees; and
 - (b) delegate appropriate duties and responsibilities to board employees.
- (3) The compensation and duties of board employees shall be established by the board and paid from money appropriated for that purpose.

Amended by Chapter 144, 2016 General Session

53A-1-303 Advice by superintendent -- Written opinions.

- (1) The state superintendent shall advise superintendents, school boards, and other school officers upon all matters involving the welfare of the schools.
- (2) The superintendent shall, when requested by district superintendents or other school officers, provide written opinions on questions of public education, administrative policy, and procedure, but not upon questions of law.
- (3) Upon request by the state superintendent, the attorney general shall issue written opinions on questions of law.
- (4) Opinions issued under this section shall be considered to be correct and final unless set aside by a court of competent jurisdiction or by subsequent legislation.

Enacted by Chapter 2, 1988 General Session

53A-1-304 Autism Awareness Restricted Account.

- (1) There is created in the General Fund a restricted account known as the "Autism Awareness Restricted Account."
- (2) The account shall be funded by:
 - (a) contributions deposited into the account in accordance with Section 41-1a-422;
 - (b) private contributions; and

- (c) donations or grants from public or private entities.
- (3) Upon appropriation by the Legislature, the superintendent shall distribute funds in the account to one or more charitable organizations that:
 - (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
 - (b) promote access to resources and responsible information for individuals of all ages who have, or are affected by, autism or related conditions;
 - (c) is an independent organization that has representation from state agencies and private providers serving individuals with autism spectrum disorder and their families in the state;
 - (d) includes representation of:
 - (i) national and local autism advocacy groups, as available; and
 - (ii) interested parents and professionals; and
 - (e) does not endorse any specific treatment, therapy, or intervention used for autism.
- (4)
 - (a) An organization described in Subsection (3) may apply to the superintendent to receive a distribution in accordance with Subsection (3).
 - (b) An organization that receives a distribution from the superintendent in accordance with Subsection (3) shall expend the distribution only to:
 - (i) pay for autism education and public awareness of programs and related services in the state;
 - (ii) enhance programs designed to serve individuals with autism;
 - (iii) provide support to caregivers providing services for individuals with autism;
 - (iv) pay for academic scholarships and research efforts in the area of autism spectrum disorder; and
 - (v) pay the costs of issuing or reordering Autism Awareness Support special group license plate decals.
 - (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education may make rules providing procedures for an organization to apply to the superintendent to receive a distribution under Subsection (3).

Amended by Chapter 303, 2011 General Session

Part 4 Powers and Duties

53A-1-401 Powers of State Board of Education -- Adoption of rules -- Enforcement -- Attorney.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.
 - (b) "Education entity" means:
 - (i) an entity that receives a distribution of state funds through a grant program managed by the board under this title;
 - (ii) an entity that enters into a contract with the board to provide an educational good or service;
 - (iii) a school district; or
 - (iv) a charter school.
 - (c) "Educational good or service" means a good or service that is required or regulated under:
 - (i) this title; or

- (ii) a rule authorized under this title.
- (d) "Local education agency" or "LEA" means:
 - (i) a school district;
 - (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
- (2)
 - (a) The State Board of Education has general control and supervision of the state's public education system.
 - (b) "General control and supervision" as used in Utah Constitution, Article X, Section 3, means directed to the whole system.
- (3) The board may not govern, manage, or operate school districts, institutions, and programs, unless granted that authority by statute.
- (4)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules to execute the board's duties and responsibilities under the Utah Constitution and state law.
 - (b) The board may delegate the board's statutory duties and responsibilities to board employees.
- (5)
 - (a) The board may sell any interest it holds in real property upon a finding by the board that the property interest is surplus.
 - (b) The board may use the money it receives from a sale under Subsection (5)(a) for capital improvements, equipment, or materials, but not for personnel or ongoing costs.
 - (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency or institution administered by the board, the money may only be used for purposes related to the agency or institution.
 - (d) The board shall advise the Legislature of any sale under Subsection (5)(a) and related matters during the next following session of the Legislature.
- (6) The board shall develop policies and procedures related to federal educational programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National Education Programs Act.
- (7) On or before December 31, 2010, the State Board of Education shall review mandates or requirements provided for in board rule to determine whether certain mandates or requirements could be waived to remove funding pressures on public schools on a temporary basis.
- (8)
 - (a) If an education entity violates this title or rules authorized under this title, the board may, in accordance with the rules described in Subsection (8)(c):
 - (i) require the education entity to enter into a corrective action agreement with the board;
 - (ii) temporarily or permanently withhold state funds from the education entity;
 - (iii) require the education entity to pay a penalty; or
 - (iv) require the education entity to reimburse specified state funds to the board.
 - (b) Except for temporarily withheld funds, if the board collects state funds under Subsection (8)(a), the board shall pay the funds into the Uniform School Fund.
 - (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules:
 - (i) that require notice and an opportunity to be heard for an education entity affected by a board action described in Subsection (8)(a); and
 - (ii) to administer this Subsection (8).

- (d) The board shall report criminal conduct of an education entity to the district attorney of the county where the education entity is located.
- (9) The board may audit the use of state funds by an education entity that receives those state funds as a distribution from the board.
- (10) The board may require, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that if an LEA contracts with a third party contractor for an educational good or service, the LEA shall require in the contract that the third party contractor shall provide, upon request of the LEA, information necessary for the LEA to verify that the educational good or service complies with:
 - (a) this title; and
 - (b) board rule authorized under this title.
- (11)
 - (a) The board may appoint an attorney to provide legal advice to the board and coordinate legal affairs for the board and the board's employees.
 - (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the Attorney General.
 - (c) An attorney described in Subsection (11)(a) may not:
 - (i) conduct litigation;
 - (ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201; or
 - (iii) issue formal legal opinions.

Amended by Chapter 232, 2016 General Session

53A-1-402 Board to establish minimum standards for public schools.

- (1) The State Board of Education shall establish rules and minimum standards for the public schools that are consistent with this title, including rules and minimum standards governing the following:
 - (a)
 - (i) the qualification and certification of educators and ancillary personnel who provide direct student services;
 - (ii) required school administrative and supervisory services; and
 - (iii) the evaluation of instructional personnel;
 - (b)
 - (i) access to programs;
 - (ii) attendance;
 - (iii) competency levels;
 - (iv) graduation requirements; and
 - (v) discipline and control;
 - (c)
 - (i) school accreditation;
 - (ii) the academic year;
 - (iii) alternative and pilot programs;
 - (iv) curriculum and instruction requirements;
 - (v) school libraries; and
 - (vi) services to:
 - (A) persons with a disability as defined by and covered under:
 - (I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;
 - (II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and

- (III) the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3); and
- (B) other special groups;
- (d)
 - (i) state reimbursed bus routes;
 - (ii) bus safety and operational requirements; and
 - (iii) other transportation needs; and
- (e)
 - (i) school productivity and cost effectiveness measures;
 - (ii) federal programs;
 - (iii) school budget formats; and
 - (iv) financial, statistical, and student accounting requirements.
- (2) The board shall determine if:
 - (a) the minimum standards have been met; and
 - (b) required reports are properly submitted.
- (3) The board may apply for, receive, administer, and distribute to eligible applicants funds made available through programs of the federal government.
- (4)
 - (a) An applied technology college within the Utah College of Applied Technology shall provide competency-based career and technical education courses that fulfill high school graduation requirements, as requested and authorized by the State Board of Education.
 - (b) A school district may grant a high school diploma to a student participating in courses described under Subsection (4)(a) that are provided by an applied technology college within the Utah College of Applied Technology.

Amended by Chapter 236, 2016 General Session

53A-1-402.5 State board rules establishing basic ethical conduct standards -- Local school board policies.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules that establish basic ethical conduct standards for public education employees who provide education-related services outside of their regular employment to their current or prospective public school students.
- (2) The rules shall provide that a local school board may adopt policies implementing the standards and addressing circumstances present in the district.

Amended by Chapter 382, 2008 General Session

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

- (1)
 - (a) In establishing minimum standards related to curriculum and instruction requirements under Section 53A-1-402, the State Board of Education shall, in consultation with local school boards, school superintendents, teachers, employers, and parents implement core standards for Utah public schools that will enable students to, among other objectives:
 - (i) communicate effectively, both verbally and through written communication;
 - (ii) apply mathematics; and
 - (iii) access, analyze, and apply information.
 - (b) Except as provided in this title, the State Board of Education may recommend but may not require a local school board or charter school governing board to use:

- (i) a particular curriculum or instructional material; or
 - (ii) a model curriculum or instructional material.
- (2) The board shall, in establishing the core standards for Utah public schools:
- (a) identify the basic knowledge, skills, and competencies each student is expected to acquire or master as the student advances through the public education system; and
 - (b) align the core standards for Utah public schools and tests administered under the Utah Performance Assessment System for Students (U-PASS) with each other.
- (3) The basic knowledge, skills, and competencies identified pursuant to Subsection (2)(a) shall increase in depth and complexity from year to year and focus on consistent and continual progress within and between grade levels and courses in the basic academic areas of:
- (a) English, including explicit phonics, spelling, grammar, reading, writing, vocabulary, speech, and listening; and
 - (b) mathematics, including basic computational skills.
- (4) Before adopting core standards for Utah public schools, the State Board of Education shall:
- (a) publicize draft core standards for Utah public schools on the State Board of Education's website and the Utah Public Notice website created under Section 63F-1-701;
 - (b) invite public comment on the draft core standards for Utah public schools for a period of not less than 90 days; and
 - (c) conduct three public hearings that are held in different regions of the state on the draft core standards for Utah public schools.
- (5) Local school boards shall design their school programs, that are supported by generally accepted scientific standards of evidence, to focus on the core standards for Utah public schools with the expectation that each program will enhance or help achieve mastery of the core standards for Utah public schools.
- (6) Except as provided in Section 53A-13-101, each school may select instructional materials and methods of teaching, that are supported by generally accepted scientific standards of evidence, that it considers most appropriate to meet the core standards for Utah public schools.
- (7) The state may exit any agreement, contract, memorandum of understanding, or consortium that cedes control of the core standards for Utah public schools to any other entity, including a federal agency or consortium, for any reason, including:
- (a) the cost of developing or implementing the core standards for Utah public schools;
 - (b) the proposed core standards for Utah public schools are inconsistent with community values; or
 - (c) the agreement, contract, memorandum of understanding, or consortium:
 - (i) was entered into in violation of Part 9, Implementing Federal or National Education Programs Act, or Title 63J, Chapter 5, Federal Funds Procedures Act;
 - (ii) conflicts with Utah law;
 - (iii) requires Utah student data to be included in a national or multi-state database;
 - (iv) requires records of teacher performance to be included in a national or multi-state database; or
 - (v) imposes curriculum, assessment, or data tracking requirements on home school or private school students.
- (8) The State Board of Education shall annually report to the Education Interim Committee on the development and implementation of the core standards for Utah public schools, including the time line established for the review of the core standards for Utah public schools by a standards review committee and the recommendations of a standards review committee established under Section 53A-1-402.8.

Amended by Chapter 415, 2015 General Session

53A-1-402.8 Standards review committee.

- (1) As used in this section, "board" means the State Board of Education.
- (2) Subject to Subsection (5), the State Board of Education shall establish:
 - (a) a time line for the review by a standards review committee of the core standards for Utah public schools for:
 - (i) English language arts;
 - (ii) mathematics;
 - (iii) science;
 - (iv) social studies;
 - (v) fine arts;
 - (vi) physical education and health; and
 - (vii) early childhood education; and
 - (b) a separate standards review committee for each subject area specified in Subsection (2)(a) to review, and recommend to the board revisions to, the core standards for Utah public schools.
- (3) At least one year before the board takes formal action to adopt new core standards for Utah public schools, the board shall establish a standards review committee as required by Subsection (2)(b).
- (4) A standards review committee shall meet at least twice during the time period described in Subsection (3).
- (5) In establishing a time line for the review of core standards for Utah public schools by a standards review committee, the board shall give priority to establishing a standards review committee to review, and recommend revisions to, the mathematics core standards for Utah public schools.
- (6) The membership of a standards review committee consists of:
 - (a) seven individuals, with expertise in the subject being reviewed, appointed by the board chair, including teachers, business representatives, faculty of higher education institutions in Utah, and others as determined by the board chair;
 - (b) five parents or guardians of public education students appointed by the speaker of the House of Representatives; and
 - (c) five parents or guardians of public education students appointed by the president of the Senate.
- (7) The board shall provide staff support to the standards review committee.
- (8) A member of the standards review committee may not receive compensation or benefits for the member's service on the committee.
- (9) Among the criteria a standards review committee shall consider when reviewing the core standards for Utah public schools is giving students an adequate foundation to successfully pursue college, technical education, a career, or other life pursuits.
- (10) A standards review committee shall submit, to the board, comments and recommendations for revision of the core standards for Utah public schools.
- (11) The board shall take into consideration the comments and recommendations of a standards review committee in adopting the core standards for Utah public schools.
- (12)
 - (a) Nothing in this section prohibits the board from amending or adding individual core standards for Utah public schools as the need arises in the board's ongoing responsibilities.

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

Amended by Chapter 415, 2015 General Session

53A-1-403 Education of persons under 21 in custody of state agency -- Establishment of coordinating council -- Advisory councils.

- (1) For purposes of this section, "board" means the State Board of Education.
- (2)
 - (a) The board is directly responsible for the education of all persons under the age of 21 who are:
 - (i) in the custody of the Department of Human Services;
 - (ii) in the custody of an equivalent agency of a Native American tribe recognized by the United States Bureau of Indian Affairs and whose custodial parent or legal guardian resides within the state; or
 - (iii) being held in a juvenile detention facility.
 - (b) The board shall adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to provide for the distribution of funds for the education of persons described in Subsection (2)(a).
- (3) Subsection (2)(a)(ii) does not apply to persons taken into custody for the primary purpose of obtaining access to education programs provided for youth in custody.
- (4) The board shall, where feasible, contract with school districts or other appropriate agencies to provide educational, administrative, and supportive services, but the board shall retain responsibility for the programs.
- (5) The Legislature shall establish and maintain separate education budget categories for youth in custody who are under the jurisdiction of the following state agencies:
 - (a) detention centers and the Divisions of Juvenile Justice Services and Child and Family Services;
 - (b) the Division of Substance Abuse and Mental Health; and
 - (c) the Division of Services for People with Disabilities.
- (6)
 - (a) The Department of Human Services and the State Board of Education shall appoint a coordinating council to plan, coordinate, and recommend budget, policy, and program guidelines for the education and treatment of persons in the custody of the Division of Juvenile Justice Services and the Division of Child and Family Services.
 - (b) The department and board may appoint similar councils for those in the custody of the Division of Substance Abuse and Mental Health or the Division of Services for People with Disabilities.
- (7) A school district contracting to provide services under Subsection (4) shall establish an advisory council to plan, coordinate, and review education and treatment programs for persons held in custody in the district.

Amended by Chapter 359, 2011 General Session

53A-1-403.5 Education of persons in custody of the Utah Department of Corrections -- Contracting for services -- Recidivism reduction plan -- Collaboration among state agencies.

- (1) The State Board of Education and the Utah Department of Corrections, subject to legislative appropriation, are responsible for the education of persons in the custody of the Utah Department of Corrections.
- (2)
 - (a) To fulfill the responsibility under Subsection (1), the State Board of Education and the Utah Department of Corrections shall, where feasible, contract with appropriate private or public agencies to provide educational and related administrative services. Contracts for postsecondary education and training shall be under Subsection (2)(b).
 - (b)
 - (i) The contract under Subsection (2)(a) to provide postsecondary education and training shall be with a community college if the correctional facility is located within the service region of a community college, except under Subsection (2)(b)(ii).
 - (ii) If the community college under Subsection (2)(b)(i) declines to provide the education and training or cannot meet reasonable contractual terms for providing the education and training as specified by the Utah Department of Corrections, postsecondary education and training under Subsection (2)(a) may be procured through other appropriate private or public agencies.
- (3)
 - (a) As its corrections education program, the State Board of Education and the Utah Department of Corrections shall develop and implement a recidivism reduction plan, including the following components:
 - (i) inmate assessment;
 - (ii) cognitive problem-solving skills;
 - (iii) basic literacy skills;
 - (iv) career skills;
 - (v) job placement;
 - (vi) postrelease tracking and support;
 - (vii) research and evaluation;
 - (viii) family involvement and support; and
 - (ix) multiagency collaboration.
 - (b) The plan shall be developed and implemented through the State Board of Education and the Utah Department of Corrections in collaboration with the following entities:
 - (i) the State Board of Regents;
 - (ii) the Utah College of Applied Technology Board of Trustees;
 - (iii) local boards of education;
 - (iv) the Department of Workforce Services;
 - (v) the Department of Human Services;
 - (vi) the Board of Pardons and Parole;
 - (vii) the Utah State Office of Rehabilitation; and
 - (viii) the Governor's Office.
- (4) By July 1, 2014, and every three years thereafter, the Utah Department of Corrections shall make a report to the State Board of Education and the Law Enforcement and Criminal Justice Interim Committee evaluating the impact of corrections education programs on recidivism.

Amended by Chapter 144, 2016 General Session
Amended by Chapter 188, 2016 General Session
Amended by Chapter 271, 2016 General Session

53A-1-404 Auditors appointed -- Auditing standards.

- (1) Procedures utilized by auditors employed by local school boards shall meet or exceed generally accepted auditing standards approved by the State Board of Education and the state auditor.
- (2) The standards must include financial accounting for both revenue and expenditures, and student accounting.

Enacted by Chapter 2, 1988 General Session

53A-1-405 State board to verify audits.

The State Board of Education is responsible for verifying audits of financial and student accounting records of school districts for purposes of determining the allocation of Uniform School Fund money.

Enacted by Chapter 2, 1988 General Session

53A-1-406 Acceptance of gifts, endowments, devises and bequests.

- (1) The State Board of Education, on its own behalf or on behalf of an educational institution for which the board is the direct governing body, may accept private grants, loans, gifts, endowments, devises, or bequests which are made for educational purposes.
- (2) These contributions are not subject to appropriation by the Legislature.

Enacted by Chapter 2, 1988 General Session

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

- (1) As used in this section, "competency-based education" means the same as that term is defined in Section 53A-15-1802.
- (2) A local school board or a charter school governing board may establish a competency-based education program.
- (3) A local school board or charter school governing board that establishes a competency-based education program shall:
 - (a) establish assessments to accurately measure competency;
 - (b) provide the assessments to an enrolled student at no cost to the student;
 - (c) award credit to a student who demonstrates competency and subject mastery;
 - (d) submit the competency-based standards to the State Board of Education for review; and
 - (e) publish the competency-based standards on its website or by other electronic means readily accessible to the public.
- (4) A local school board or charter school governing board may:
 - (a) on a random lottery-based basis, limit enrollment to courses that have been designated as competency-based courses;
 - (b) waive or adapt traditional attendance requirements;
 - (c) adjust class sizes to maximize the value of course instructors or course mentors;
 - (d) enroll students from any geographic location within the state; and
 - (e) provide proctored online competency-based assessments.

Amended by Chapter 347, 2016 General Session

53A-1-411 Pilot online school survey program.

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

- (2)
 - (a) Beginning with the 2012-13 school year, the State Board of Education shall establish a pilot online school survey program in consultation with representatives of local school boards, charter school governing boards, school district and school administrators, teachers, and parents.
 - (b) The board shall develop the technology, or contract with a provider selected through a request for proposals process to provide the technology, for the pilot online school survey program to be used by the board, a school district, or a school.
- (3) The purposes of the pilot online school survey program are to:
 - (a) provide information to school districts and schools on how to better serve and meet the needs of students and parents;
 - (b) allow school districts and schools to monitor progress of school improvement efforts; and
 - (c) provide data that may be used as part of a school district's or school's educator evaluation system and inform decisions about employment and professional development.
- (4) The pilot online school survey program shall include:
 - (a) age appropriate surveys for students to evaluate each of their teachers;
 - (b) age appropriate surveys for students to evaluate their school's administrators;
 - (c) a survey for parents to evaluate their children's teachers;
 - (d) a survey for parents to evaluate their children's schools and administrators, including whether the school or administrators solicited parent involvement in the school;
 - (e) a survey for parents to self-evaluate their participation in their children's education, including attendance at parent teacher conferences, involvement in the school, and involvement in their children's homework;
 - (f) a survey for teachers to evaluate their school, including safety and security of the school;
 - (g) a survey for teachers to evaluate their school's administrators and, if applicable, their school district's administrators;
 - (h) statistically valid and reliable measurement tools; and
 - (i) survey questions that represent information that a student, parent, or teacher has direct knowledge of.
- (5)
 - (a) Except as provided in Subsection (5)(b), the pilot online school survey program instruments shall be uniform statewide to allow for comparison of:
 - (i) survey results statewide; and
 - (ii) survey results from year to year.
 - (b) The State Board of Education may allow a school participating in the pilot online school survey program to create a supplement to the pilot online school survey program instrument that includes items specific to the school.
- (6)
 - (a) The board shall select a sampling of schools to participate in and administer the pilot online school survey program to students, parents, and teachers.
 - (b) The sampling of urban and rural schools selected by the board shall:
 - (i) represent at least 5% of total state enrollment in public schools; and
 - (ii) include at least:
 - (A) eight elementary schools;
 - (B) eight junior high or middle schools;
 - (C) eight high schools; and
 - (D) five charter schools.

- (c) The schools selected in Subsection (6)(b)(ii) shall be selected from at least five school districts.
 - (d) Except as provided in Subsection (6)(e), a participating school shall survey all of the students enrolled in the participating school.
 - (e) A participating school shall survey:
 - (i) students in grades 1 and 2 if considered appropriate;
 - (ii) students in grades 3 through 12; and
 - (iii) parents and teachers of students in kindergarten through grade 12.
- (7)
- (a) A participating school shall, annually for an elementary school or semi-annually for a secondary school:
 - (i) administer online student surveys of teachers for each of a student's teachers;
 - (ii) make available to parents online access to surveys, which they may complete for each of their children's teachers and schools; and
 - (iii) make available to teachers online access to a survey of their school, which they may complete.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules establishing procedures for administering or making available online the surveys specified in Subsection (7)(a), including rules to ensure the privacy and protection of individual educator survey results.
- (8) The survey data shall be available to:
- (a) the State Board of Education for the purpose of analyzing and aggregating the survey data; and
 - (b) school district and school administrators for the purposes stated in Subsection (3).
- (9) On or before the November meeting of the Education Interim Committee in 2015, the State Board of Education shall report:
- (a) the response rate of students, parents, and teachers in each of the participating schools; and
 - (b) the reliability of the pilot online school survey program as an evaluation tool.

Amended by Chapter 418, 2015 General Session

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

- (1) As used in this section:
- (a) "Authorized LEA user" means a teacher or other person who is:
 - (i) employed by an LEA that provides instruction to a student; and
 - (ii) authorized to access data in a Student Achievement Backpack through the Utah Student Record Store.
 - (b) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.
 - (c) "Student Achievement Backpack" means, for a student from kindergarten through grade 12, a complete learner profile that:
 - (i) is in electronic format;
 - (ii) follows the student from grade to grade and school to school; and
 - (iii) is accessible by the student's parent or guardian or an authorized LEA user.
 - (d) "U-PASS" means the Utah Performance Assessment System for Students established in Part 6, Achievement Tests.
 - (e) "Utah Student Record Store" means a repository of student data collected from LEAs as part of the state's longitudinal data system that is:
 - (i) managed by the State Board of Education;

- (ii) cloud-based; and
 - (iii) accessible via a web browser to authorized LEA users.
- (2)
- (a) The State Board of Education shall use the State Board of Education's robust, comprehensive data collection system, which collects longitudinal student transcript data from LEAs and the unique student identifiers as described in Section 53A-1-603.5, to allow the following to access a student's Student Achievement Backpack:
 - (i) the student's parent or guardian; and
 - (ii) each LEA that provides instruction to the student.
 - (b) The State Board of Education shall ensure that a Student Achievement Backpack:
 - (i) provides a uniform, transparent reporting mechanism for individual student progress;
 - (ii) provides a complete learner history for postsecondary planning;
 - (iii) provides a teacher with visibility into a student's complete learner profile to better inform instruction and personalize education;
 - (iv) assists a teacher or administrator in diagnosing a student's learning needs through the use of data already collected by the State Board of Education;
 - (v) facilitates a student's parent or guardian taking an active role in the student's education by simplifying access to the student's complete learner profile; and
 - (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data storage and collection system.
- (3) Using existing information collected and stored in the State Board of Education's data warehouse, the State Board of Education shall create the Utah Student Record Store where an authorized LEA user may:
- (a) access data in a Student Achievement Backpack relevant to the user's LEA or school; or
 - (b) request student records to be transferred from one LEA to another.
- (4) The State Board of Education shall implement security measures to ensure that:
- (a) student data stored or transmitted to or from the Utah Student Record Store is secure and confidential pursuant to the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
 - (b) an authorized LEA user may only access student data that is relevant to the user's LEA or school.
- (5) A student's parent or guardian may request the student's Student Achievement Backpack from the LEA or the school in which the student is enrolled.
- (6) No later than June 30, 2014, an authorized LEA user shall be able to access student data in a Student Achievement Backpack, which shall include the following data, or request the data be transferred from one LEA to another:
- (a) student demographics;
 - (b) course grades;
 - (c) course history; and
 - (d) results for an assessment administered under U-PASS.
- (7) No later than June 30, 2015, an authorized LEA user shall be able to access student data in a Student Achievement Backpack, which shall include the data listed in Subsections (6)(a) through (d) and the following data, or request the data be transferred from one LEA to another:
- (a) section attendance;
 - (b) the name of a student's teacher for classes or courses the student takes;
 - (c) teacher qualifications for a student's teacher, including years of experience, degree, license, and endorsement;

- (d) results of formative, interim, and summative computer adaptive assessments administered pursuant to Section 53A-1-603;
 - (e) detailed data demonstrating a student's mastery of the core standards for Utah public schools and objectives as measured by computer adaptive assessments administered pursuant to Section 53A-1-603;
 - (f) a student's writing sample written for an online writing assessment administered pursuant to Section 53A-1-603;
 - (g) student growth scores for U-PASS tests;
 - (h) a school's grade assigned pursuant to Part 11, School Grading Act;
 - (i) results of benchmark assessments of reading administered pursuant to Section 53A-1-606.6; and
 - (j) a student's reading level at the end of grade 3.
- (8) No later than June 30, 2017, the State Board of Education shall ensure that data collected in the Utah Student Record Store for a Student Achievement Backpack shall be integrated into each LEA's student information system and shall be made available to a student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

Amended by Chapter 144, 2016 General Session

53A-1-414 School expenditures -- Report.

- (1) As used in this section:
- (a) "Board" means the State Board of Education.
 - (b) "Local education agency" or "LEA" means:
 - (i) a school district; or
 - (ii) a charter school.
 - (c) "Teacher" means an individual employed by an LEA who:
 - (i) is licensed under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act; and
 - (ii) has an assignment to teach in a classroom.
- (2)
- (a) On or before October 31, 2017, the board or the board's designee shall make recommendations to the Education Interim Committee regarding the feasibility of reporting certain school level expenditures on the board's website.
 - (b) The school level expenditures to be reported on the board's website may include the following information:
 - (i) total teacher salary expenditures;
 - (ii) capital expenditures;
 - (iii) overhead and other expenditures not reported under Subsection (2)(b)(i) or (ii);
 - (iv) the average per pupil funding; and
 - (v) the percent of teacher turnover from the prior school year.
- (3) An LEA shall provide the information described in Subsection (2)(b) as requested by the board or the board's designee.

Enacted by Chapter 217, 2016 General Session

Part 6

Achievement Tests

53A-1-601 Legislative intent.

- (1) It is the intent of the Legislature in enacting this part to determine the effectiveness of school districts and schools in assisting students to master the fundamental educational skills towards which instruction is directed.
- (2)
 - (a) The Utah Performance Assessment System for Students enacted under this part shall provide the public, the Legislature, the State Board of Education, school districts, public schools, and school teachers evaluative information regarding the various levels of proficiency achieved by students, so that they may have an additional tool to plan, measure, and evaluate the effectiveness of programs in the public schools.
 - (b) The information may also be used to recognize excellence and to identify the need for additional resources or to reallocate educational resources in a manner to assure educational opportunities for all students and to improve existing programs.

Amended by Chapter 219, 2000 General Session

53A-1-602 Definitions.

As used in this part:

- (1) "Basic academic subject" means a subject that requires mastery of specific functions, as defined under rules made by the State Board of Education, to include reading, language arts, mathematics, science in grades 4 through 12, and effectiveness of written expression.
- (2) "Core standards for Utah public schools" means the standards developed and adopted by the State Board of Education that define the knowledge and skills students should have in kindergarten through grade 12 to enable students to be prepared for college or workforce training.
- (3) "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- (4) "Utah Performance Assessment System for Students" or "U-PASS" means:
 - (a) as determined by the State Board of Education, criterion-referenced achievement testing or online computer adaptive testing of students in grades 3 through 12 in basic academic subjects;
 - (b) an online writing assessment in grades 5 and 8;
 - (c) college readiness assessments as detailed in Section 53A-1-611; and
 - (d) testing of students in grade 3 to measure reading grade level.

Amended by Chapter 222, 2015 General Session

Amended by Chapter 415, 2015 General Session

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

- (1) The State Board of Education shall:
 - (a) require a school district or charter school to implement the Utah Performance Assessment System for Students;
 - (b) require the state superintendent of public instruction to submit and recommend criterion-referenced achievement tests or online computer adaptive tests, college readiness

- assessments, an online writing assessment for grades 5 and 8, and a test for students in grade 3 to measure reading grade level to the board for approval and adoption and distribution to a school district or charter school by the state superintendent;
- (c) develop an assessment method to uniformly measure statewide performance, school district performance, and school performance of students in grades 3 through 12 in mastering basic academic subjects; and
 - (d) provide for the state to participate in the National Assessment of Educational Progress state-by-state comparison testing program.
- (2) Except as provided in Subsection (9) and Subsection 53A-1-611(4), under U-PASS, the State Board of Education shall annually require a school district or charter school to administer:
- (a) as determined by the State Board of Education, statewide criterion-referenced tests or online computer adaptive tests in grades 3 through 12 and courses in basic academic subjects of the core standards for Utah public schools;
 - (b) an online writing assessment to all students in grades 5 and 8;
 - (c) college readiness assessments as detailed in Section 53A-1-611; and
 - (d) a test to all students in grade 3 to measure reading grade level.
- (3) The State Board of Education shall annually require a school district or charter school to administer a computer adaptive assessment system that is:
- (a) adopted by the State Board of Education; and
 - (b) aligned to the core standards for Utah public schools.
- (4) The board shall adopt rules for the conduct and administration of U-PASS to include the following:
- (a) the computation of student performance based on information that is disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch;
 - (b) security features to maintain the integrity of the system, which may include statewide uniform testing dates, multiple test forms, and test administration protocols;
 - (c) the exemption of student test scores, by exemption category, such as limited English proficiency, mobility, and students with disabilities, with the percent or number of student test scores exempted being publicly reported at a district level;
 - (d) compiling of criterion-referenced, online computer adaptive, and online writing test scores and test score averages at the classroom level to allow for:
 - (i) an annual review of those scores by parents of students and professional and other appropriate staff at the classroom level at the earliest point in time;
 - (ii) the assessment of year-to-year student progress in specific classes, courses, and subjects; and
 - (iii) a teacher to review, prior to the beginning of a new school year, test scores from the previous school year of students who have been assigned to the teacher's class for the new school year;
 - (e) allowing a school district or charter school to have its tests administered and scored electronically to accelerate the review of test scores and their usefulness to parents and educators under Subsection (4)(d), without violating the integrity of U-PASS; and
 - (f) providing that scores on the tests and assessments required under Subsection (2)(a) and Subsection (3) may not be considered in determining:
 - (i) a student's academic grade for the appropriate course; or
 - (ii) whether a student may advance to the next grade level.
- (5)

- (a) A school district or charter school may administer an online writing assessment to students in grade 11.
- (b) The State Board of Education may award a grant to a school district or charter school to pay for an online writing assessment and instruction program that may be used to assess the writing of students in grade 11.
- (6) The State Board of Education shall make rules:
 - (a) establishing procedures for applying for and awarding money for computer adaptive tests;
 - (b) specifying how money for computer adaptive tests shall be allocated among school districts and charter schools that qualify to receive the money; and
 - (c) requiring reporting of the expenditure of money awarded for computer adaptive testing and evidence that the money was used to implement computer adaptive testing.
- (7) The State Board of Education shall ensure that computer adaptive tests are administered in compliance with the requirements of Chapter 1, Part 14, Student Data Protection Act, and Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act.
- (8)
 - (a) The State Board of Education shall establish a committee consisting of 15 parents of Utah public education students to review all computer adaptive test questions.
 - (b) The committee established in Subsection (8)(a) shall include the following parent members:
 - (i) five members appointed by the chair of the State Board of Education;
 - (ii) five members appointed by the speaker of the House of Representatives; and
 - (iii) five members appointed by the president of the Senate.
 - (c) The State Board of Education shall provide staff support to the parent committee.
 - (d) The term of office of each member appointed in Subsection (8)(b) is four years.
 - (e) The chair of the State Board of Education, the speaker of the House of Representatives, and the president of the Senate shall adjust the length of terms to stagger the terms of committee members so that approximately 1/2 of the committee members are appointed every two years.
 - (f) No member may receive compensation or benefits for the member's service on the committee.
- (9) Beginning with the 2016-17 school year, for all students in grade 11, a school district or charter school may waive the obligation to administer a test required under Subsection (2)(a).
- (10)
 - (a) School districts and charter schools shall require each licensed employee to complete two hours of professional development on youth suicide prevention within their license cycle in accordance with Section 53A-6-104.
 - (b) The State Board of Education shall develop or adopt sample materials to be used by a school district or charter school for professional development training on youth suicide prevention.
 - (c) The training required by this Subsection (10) shall be incorporated into professional development training required by rule in accordance with Section 53A-6-104.

Amended by Chapter 203, 2016 General Session

Amended by Chapter 221, 2016 General Session

53A-1-603.5 Unique student identifier -- Coordination of higher education and public education information technology systems.

- (1) As used in this section, "unique student identifier" means an alphanumeric code assigned to each public education student for identification purposes, which:
 - (a) is not assigned to any former or current student; and
 - (b) does not incorporate personal information, including a birth date or Social Security number.

- (2) The State Board of Education, through the superintendent of public instruction, shall assign each public education student a unique student identifier, which shall be used to track individual student performance on achievement tests administered under this part.
- (3) The State Board of Education and the State Board of Regents shall coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section 53B-1-109.
- (4) The State Board of Education and State Board of Regents shall coordinate access to the unique student identifier of a public education student who later attends an institution within the state system of higher education.

Enacted by Chapter 147, 2006 General Session

53A-1-604 Test development, publication, and administration.

- (1) The State Board of Education shall develop, publish, and administer criterion-referenced tests.
- (2) The board may use the expert services of any person in the public or private sector in:
 - (a) evaluating current tests and assessment programs; or
 - (b) developing, publishing, and administering new tests.

Amended by Chapter 161, 2013 General Session

53A-1-605 Analysis of results -- Staff professional development.

- (1) The State Board of Education, through the state superintendent of public instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels and courses required under Section 53A-1-603.
- (2) The plan shall include components designed to:
 - (a) assist school districts and individual schools to use the results of the analysis in planning, evaluating, and enhancing programs; and
 - (b) identify schools not achieving state-established acceptable levels of student performance in order to assist those schools in raising their student performance levels.
- (3) The plan shall include provisions for statistical reporting of criterion-referenced or online computer adaptive test results at state, school district, school, and grade or course levels, and shall include actual levels of performance on tests.
- (4) Each local school board and charter school governing board shall provide for:
 - (a) evaluation of the U-PASS test results and use of the evaluations in setting goals and establishing programs; and
 - (b) a professional development program that provides teachers, principals, and other professional staff with the training required to successfully establish and maintain U-PASS.

Amended by Chapter 222, 2015 General Session

53A-1-606.5 State reading goal -- Reading achievement plan.

- (1) As used in this section:
 - (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or ability that has been organized into a hierarchical arrangement leading to higher levels of knowledge, skill, or ability.
 - (b) "Five domains of reading" include phonological awareness, phonics, fluency, comprehension, and vocabulary.

- (2)
 - (a) The Legislature recognizes that:
 - (i) reading is the most fundamental skill, the gateway to knowledge and lifelong learning;
 - (ii) there is an ever increasing demand for literacy in the highly technological society we live in;
 - (iii) students who do not learn to read will be economically and socially disadvantaged;
 - (iv) reading problems exist in almost every classroom;
 - (v) almost all reading failure is preventable if reading difficulties are diagnosed and treated early; and
 - (vi) early identification and treatment of reading difficulties can result in students learning to read by the end of the third grade.
 - (b) It is therefore the goal of the state to have every student in the state's public education system reading on or above grade level by the end of the third grade.
- (3)
 - (a) Each public school containing kindergarten, grade one, grade two, or grade three, including charter schools, shall develop, as a component of the school improvement plan described in Section 53A-1a-108.5, a reading achievement plan for its students in kindergarten through grade three to reach the reading goal set in Subsection (2)(b).
 - (b) The reading achievement plan shall be:
 - (i) created under the direction of:
 - (A) the school community council or a subcommittee or task force created by the school community council, in the case of a school district school; or
 - (B) the charter school governing board or a subcommittee or task force created by the governing board, in the case of a charter school; and
 - (ii) implemented by the school's principal, teachers, and other appropriate school staff.
 - (c) The school principal shall take primary responsibility to provide leadership and allocate resources and support for teachers and students, most particularly for those who are reading below grade level, to achieve the reading goal.
 - (d) Each reading achievement plan shall include:
 - (i) an assessment component that:
 - (A) focuses on ongoing formative assessment to measure the five domains of reading, as appropriate, and inform individualized instructional decisions; and
 - (B) includes a benchmark assessment of reading approved by the State Board of Education pursuant to Section 53A-1-606.6;
 - (ii) an intervention component:
 - (A) that provides adequate and appropriate interventions focused on each student attaining competency in reading skills;
 - (B) based on best practices identified through proven researched-based methods;
 - (C) that provides intensive intervention, such as focused instruction in small groups and individualized data driven instruction, implemented at the earliest possible time for students having difficulty in reading;
 - (D) that provides an opportunity for parents to receive materials and guidance so that they will be able to assist their children in attaining competency in reading skills; and
 - (E) that, as resources allow, may involve a reading specialist; and
 - (iii) a reporting component that includes reporting to parents:
 - (A) at the beginning, in the middle, and at the end of grade one, grade two, and grade three, their child's benchmark assessment results as required by Section 53A-1-606.6; and
 - (B) at the end of third grade, their child's reading level.

- (e) In creating or reviewing a reading achievement plan as required by this section, a school community council, charter school governing board, or a subcommittee or task force of a school community council or charter school governing board may not have access to data that reveal the identity of students.
- (4)
- (a) The school district shall approve each plan developed by schools within the district prior to its implementation and review each plan annually.
 - (b) The charter school governing board shall approve each plan developed by schools under its control and review each plan annually.
 - (c) A school district and charter school governing board shall:
 - (i) monitor the learning gains of a school's students as reported by the benchmark assessments administered pursuant to Section 53A-1-606.6; and
 - (ii) require a reading achievement plan to be revised, if the school district or charter school governing board determines a school's students are not making adequate learning gains.

Amended by Chapter 220, 2016 General Session

53A-1-606.6 Benchmark assessments in reading -- Report to parent or guardian.

- (1) As used in this section:
- (a) "Board" means the State Board of Education.
 - (b) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or ability that has been organized into a hierarchical arrangement leading to higher levels of knowledge, skill, or ability.
- (2) The board shall approve a benchmark assessment for use statewide by school districts and charter schools to assess the reading competency of students in grades one, two, and three as provided by this section.
- (3) A school district or charter school shall:
- (a) administer benchmark assessments to students in grades one, two, and three at the beginning, middle, and end of the school year using the benchmark assessment approved by the board; and
 - (b) after administering a benchmark assessment, report the results to a student's parent or guardian.
- (4) If a benchmark assessment or supplemental reading assessment indicates a student lacks competency in a reading skill, or is lagging behind other students in the student's grade in acquiring a reading skill, the school district or charter school shall:
- (a) provide focused individualized intervention to develop the reading skill;
 - (b) administer formative assessments to measure the success of the focused intervention;
 - (c) inform the student's parent or guardian of activities that the parent or guardian may engage in with the student to assist the student in improving reading proficiency; and
 - (d) provide information to the parent or guardian regarding appropriate interventions available to the student outside of the regular school day that may include tutoring, before and after school programs, or summer school.

Amended by Chapter 466, 2013 General Session

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

- (1) The State Board of Education shall contract with one or more educational technology providers, selected through a request for proposals process, for a diagnostic assessment system for reading for students in kindergarten through grade three that meets the requirements of this section.
- (2) Subject to legislative appropriations, a diagnostic assessment system for reading shall be made available to school districts and charter schools that apply to use a diagnostic assessment for reading beginning in the 2011-12 school year.
- (3) A diagnostic assessment system for reading for students in kindergarten through grade three shall:
 - (a) be in a digital format;
 - (b) include benchmark assessments of reading proficiency to be administered at the beginning, in the middle, and at the end of kindergarten, grade one, grade two, and grade three;
 - (c) include formative assessments to be administered every two to four weeks for students who are at high risk of not attaining proficiency in reading;
 - (d) align with the language arts core standards for Utah public schools adopted by the State Board of Education; and
 - (e) include a data analysis component hosted by the provider that:
 - (i) has the capacity to generate electronic information immediately and produce individualized student progress reports, class summaries, and class groupings for instruction;
 - (ii) may have the capability of identifying lesson plans that may be used to develop reading skills;
 - (iii) enables teachers, administrators, and designated supervisors to access reports through a secured password system;
 - (iv) produces electronic printable reports for parents and administrators; and
 - (v) has the capability for principals to monitor usage by teachers.

Amended by Chapter 372, 2015 General Session

Amended by Chapter 415, 2015 General Session

53A-1-607 Scoring -- Reports of results.

- (1) Each local school board and charter school shall submit all answer sheets for the achievement tests administered under U-PASS on a per-school and per-class basis to the state superintendent of public instruction for scoring unless the test requires scoring by a national testing service.
- (2) The district, school, and class results of the U-PASS testing program, but not the score or relative position of individual students, shall be reported to each local school board or charter school governing board annually at a regularly scheduled meeting.
- (3) Each local board and charter school governing board shall make copies of the report available to the general public upon request.
- (4) The board may charge a fee for the copying costs.
- (5) The State Board of Education shall annually provide to school districts and charter schools a comprehensive report for each of their students showing the student's U-PASS test results for each year the student took a U-PASS test. School districts and charter schools shall give a copy of the comprehensive report to the student's parents and make the report available to school staff, as appropriate.

Amended by Chapter 299, 2009 General Session

53A-1-608 Preparation for tests.

- (1) School district employees may not carry on any specific instruction or preparation of students which would be a breach of testing ethics, such as the teaching of specific test questions.
- (2) School district employees who administer the test shall follow the standardization procedures in the publisher's test administration manual and any additional specific instructions developed by the State Board of Education.
- (3) The State Board of Education may revoke the certification of an individual who violates this section.

Enacted by Chapter 267, 1990 General Session

53A-1-609 Construction of part.

Nothing in this part shall be construed to mean or represented to require that graduation from a high school or promotion to another grade is in any way dependent upon successful performance of any test administered as a part of the testing program established under this part.

Amended by Chapter 161, 2013 General Session

53A-1-610 Grade specification replacement.

- (1) The State Board of Education may replace the grade specification for the administration of specific tests under this part with a specification of age or time elapsed since the student entered school if the replacement specification is more consistent with patterns of school organization.
- (2) The board shall submit a report to the Legislature explaining the reasons for replacing the grade specification. The board shall submit the report at least six months prior to the anticipated change.

Enacted by Chapter 267, 1990 General Session

53A-1-611 College readiness assessments.

- (1) The Legislature recognizes the need for the State Board of Education to develop and implement standards and assessment processes to ensure that student progress is measured and that school boards and school personnel are accountable.
- (2) In addition to its responsibilities under Sections 53A-1-603 through 53A-1-605, the State Board of Education shall:
 - (a) adopt college readiness assessments for secondary students; and
 - (b) require a school district or charter school to administer the college readiness assessments adopted by the State Board of Education.
- (3) A college readiness assessment adopted by the State Board of Education:
 - (a) shall include the college admissions test that includes an assessment of language arts, mathematics, and science that is most commonly submitted to local universities; and
 - (b) may include:
 - (i) the Armed Services Vocational Aptitude Battery; and
 - (ii) a battery of assessments that are predictive of success in higher education.
- (4)
 - (a) Except as provided in Subsection (4)(b), the State Board of Education shall require a school district or charter school to administer a test adopted under Subsection (3)(a) to all students in grade 11.

- (b) A student with an IEP may take an appropriate college readiness assessment other than a test adopted by the State Board of Education under Subsection (3)(a), as determined by the student's IEP.

Amended by Chapter 203, 2016 General Session

53A-1-613 Online test preparation program.

- (1) The State Board of Education shall contract with a provider, selected through a request for proposals process, to provide an online program to prepare students to take the college admissions test that includes an assessment of language arts, mathematics, and science that is most commonly submitted to local universities.
- (2) An online test preparation program described in Subsection (1):
 - (a)
 - (i) shall allow a student to independently access online materials and learn at the student's own pace; and
 - (ii) may be used to provide classroom and teacher-assisted instruction;
 - (b) shall provide online study materials, diagnostic exams, drills, and practice tests in an approach that is engaging to high school students;
 - (c) shall enable electronic reporting of student progress to administrators, teachers, parents, and other facilitators;
 - (d) shall record a student's progress in an online dashboard that provides diagnostic assessment of the content areas tested and identifies mastery of corresponding skill sets; and
 - (e) shall provide training and professional development to personnel in school districts and charter schools on how to utilize the online test preparation program and provide teacher-assisted instruction to students.
- (3) To be eligible to administer a college admissions test provided by the State Board of Education from funds appropriated for college readiness assessments, a school district or charter school shall:
 - (a) promote the use of the online test preparation program; and
 - (b) inform parents and students of the availability of, and how to access and use, the online test preparation program.
- (4) The State Board of Education, school districts, and charter schools shall make the online test preparation program available to a student:
 - (a) beginning in the 2013-14 school year; and
 - (b) for at least one full year, except a student in grade 11 in the 2013-14 school year shall have access to the online test preparation program as soon as the program can be made operational.

Enacted by Chapter 161, 2013 General Session

Part 7
Educational Technology Programs

53A-1-706 Purchases of educational technology.

- (1)

- (a) A school district, charter school, or college of education shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in purchasing technology, except as otherwise provided in Subsection (1)(b).
- (b) A school district or charter school may purchase computers from, and contract for the repair or refurbishing of computers with, the Utah Correctional Industries without going through the bidding or competition procedures outlined in Title 63G, Chapter 6a, Utah Procurement Code.
- (2) A school district, charter school, or college of education may purchase technology through cooperative purchasing contracts administered by the state Division of Purchasing or through its own established purchasing program.
- (3) Consistent with policies adopted by a local school board or charter school governing board, a school district or charter school that purchases technology under this section shall ensure that adequate on and off campus Internet filtering is installed and consistently configured to prevent viewing of harmful content by students and school personnel.

Amended by Chapter 220, 2016 General Session

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

- (1) As used in this section:
 - (a) "Adaptive tests" means tests administered during the school year using an online adaptive test system.
 - (b) "Core standards for Utah public schools" means the standards developed and adopted by the State Board of Education that define the knowledge and skills students should have in kindergarten through grade 12 to enable students to be prepared for college or workforce training.
 - (c) "Summative tests" means tests administered near the end of a course to assess overall achievement of course goals.
 - (d) "Uniform online summative test system" means a single system for the online delivery of summative tests required under U-PASS that:
 - (i) is coordinated by the State Board of Education;
 - (ii) ensures the reliability and security of U-PASS tests; and
 - (iii) is selected through collaboration between the State Board of Education and school district representatives with expertise in technology, assessment, and administration.
 - (e) "U-PASS" means the Utah Performance Assessment System for Students.
- (2) The State Board of Education may award grants to school districts and charter schools to implement one or both of the following:
 - (a) a uniform online summative test system to enable parents of students and school staff to review U-PASS test scores by the end of the school year; or
 - (b) an online adaptive test system to enable parents of students and school staff to measure and monitor a student's academic progress during a school year.
- (3)
 - (a) Grant money may be used to pay for any of the following, provided it is directly related to implementing a uniform online summative test system, an online adaptive test system, or both:
 - (i) computer equipment and peripherals, including electronic data capture devices designed for electronic test administration and scoring;
 - (ii) software;
 - (iii) networking equipment;
 - (iv) upgrades of existing equipment or software;

- (v) upgrades of existing physical plant facilities;
 - (vi) personnel to provide technical support or coordination and management; and
 - (vii) teacher professional development.
- (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the online delivery of summative tests or adaptive tests required under U-PASS may be used for other purposes.
- (4) The State Board of Education shall make rules:
- (a) establishing procedures for applying for and awarding grants;
 - (b) specifying how grant money shall be allocated among school districts and charter schools;
 - (c) requiring reporting of grant money expenditures and evidence showing that the grant money has been used to implement a uniform online summative test system, an online adaptive test system, or both;
 - (d) establishing technology standards for an online adaptive testing system;
 - (e) requiring a school district or charter school that receives a grant under this section to implement, in compliance with Chapter 1, Part 14, Student Data Protection Act, and Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act, an online adaptive test system by the 2014-15 school year that:
 - (i) meets the technology standards established under Subsection (4)(d); and
 - (ii) is aligned with the core standards for Utah public schools;
 - (f) requiring a school district or charter school to provide matching funds to implement a uniform online summative test system, an online adaptive test system, or both in an amount that is greater than or equal to the amount of a grant received under this section; and
 - (g) ensuring that student identifiable data is not released to any person, except as provided by Chapter 1, Part 14, Student Data Protection Act, Section 53A-13-301, and rules of the State Board of Education adopted under that section.
- (5) If a school district or charter school uses grant money for purposes other than those stated in Subsection (3), the school district or charter school is liable for reimbursing the State Board of Education in the amount of the grant money improperly used.
- (6) A school district or charter school may not use federal funds to provide the matching funds required to receive a grant under this section.
- (7) A school district may not impose a tax rate above the certified tax rate for the purpose of generating revenue to provide matching funds for a grant under this section.

Amended by Chapter 144, 2016 General Session

Amended by Chapter 221, 2016 General Session

53A-1-709 Smart School Technology Program.

- (1) As used in this section, "program" means the Smart School Technology Program.
- (2) The Smart School Technology Program is created to encourage the deployment of whole-school one-to-one mobile device technology in public schools.
- (3) The Board of Business and Economic Development with input from an independent evaluating committee, shall issue a request for proposals for the development and implementation of a whole-school one-to-one mobile device technology deployment plan for schools.
- (4) From recommendations submitted by an independent evaluating committee, the Board of Business and Economic Development shall select a single education technology provider with integrated whole-school technology deployment experience through the request for proposals process.
- (5)

- (a) An independent evaluating committee shall be established to:
 - (i) advise the Board of Business and Economic Development in issuing a request for proposals under Subsection (3);
 - (ii) evaluate proposals submitted through a request for proposals issued under Subsection (3); and
 - (iii) advise the State Board of Education on selecting schools to participate in the program.
- (b) The membership of the independent evaluating committee shall include:
 - (i) three members of the State Board of Education appointed by the chair of the State Board of Education;
 - (ii) the state chief information officer;
 - (iii) two members appointed by the executive director of the Governor's Office of Economic Development; and
 - (iv) the governor's education director.
- (c) The independent evaluating committee shall evaluate a proposal on:
 - (i) a provider's experience with integrated whole-school technology deployment; and
 - (ii) the components of a whole-school technology deployment plan.
- (6) An educational technology provider selected under Subsection (4) shall develop a customized whole-school one-to-one mobile device technology deployment plan for each school participating in the program.
- (7) The whole-school technology deployment plan shall be based on submitted proposals to the committee and may include the following components:
 - (a) a personal mobile learning device for each student;
 - (b) desktop or laptop computers for each classroom;
 - (c) peripherals and networking equipment, including a wireless network that is not self-interfering;
 - (d) wireless audio equipment in each classroom;
 - (e) digital projectors or televisions with wireless device mirroring technology;
 - (f) on and off campus Internet filtering;
 - (g) operating software for the technology system, including software that connects personal mobile learning devices among students and a teacher to facilitate classroom interaction;
 - (h) curriculum and instructional software purchase credits per device to be used toward improving student outcomes with respect to the core standards for Utah public schools and skill building on the use of technology;
 - (i) device repair and replacement criteria;
 - (j) professional development for educators and technology specialists on:
 - (i) the operation and use of the technology equipment; and
 - (ii) accessing and using online content; and
 - (k) ongoing technical support.
- (8)
 - (a) A school within a school district, with the approval of the local school board, or a charter school, may submit an application to the State Board of Education to participate in the program.
 - (b) With input from the independent evaluating committee established under Subsection (5), the State Board of Education shall select schools to participate in the program.
 - (c) In selecting schools, the State Board of Education shall seek to include in the program schools:
 - (i) from different regions of the state;
 - (ii) from urban and rural areas;
 - (iii) with a variety of economic and demographic characteristics; and

- (iv) with documented technology implementation plans, including a plan for the use of:
 - (A) instructional software that improves student outcomes with respect to the core standards for Utah public schools; and
 - (B) software that provides students with skill building on the use of technology.
- (d) The State Board of Education shall make rules:
 - (i) specifying procedures and criteria to be used for selecting schools that may participate in the program; and
 - (ii) requiring selected schools to provide matching funds to participate in the program.
- (9)
 - (a) The State Board of Education, in collaboration with the education technology provider and the schools participating in the program, shall evaluate the program and submit a report on the evaluation to the Governor's Office of Economic Development and the Education Interim Committee by the committee's October meetings in 2013 and 2014.
 - (b) The State Board of Education may contract with an independent evaluator to conduct the evaluation required in Subsection (9)(a).
 - (c) The evaluation shall be based on the following criteria:
 - (i) technology system functionality;
 - (ii) school level outcomes;
 - (iii) teacher instruction and outcomes; and
 - (iv) student engagement and outcomes.

Amended by Chapter 415, 2015 General Session

Part 8 Child Literacy Programs

53A-1-801 Child literacy program -- Coordinated activities.

- (1) The State Board of Education, through the state superintendent of public instruction, shall provide for a public service campaign to educate parents on the importance of providing their children with opportunities to develop emerging literacy skills through a statewide "Read to Me" program.
- (2) The board shall coordinate its activities under this section with other state and community entities that are engaged in child literacy programs in order to maximize its efforts and resources, including the Utah Commission on National and Community Service.

Amended by Chapter 210, 2002 General Session

Part 9 Implementing Federal or National Education Programs Act

53A-1-901 Title.

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

Amended by Chapter 415, 2015 General Session

53A-1-902 Definitions.

As used in this part:

- (1)
 - (a) "Cost" means an estimation of state and local money required to implement a federal education agreement or national program.
 - (b) "Cost" does not include capital costs associated with implementing a federal education agreement or national program.
- (2) "Education entities" means the entities that may bear the state and local costs of implementing a federal program or national program, including:
 - (a) the State Board of Education;
 - (b) the state superintendent of public instruction;
 - (c) a local school board;
 - (d) a school district and its schools;
 - (e) a charter school governing board; and
 - (f) a charter school.
- (3) "Federal education agreement" means a legally binding document or representation that requires a school official to implement a federal program or set of requirements that originates from the U.S. Department of Education and that has, as a primary focus, an impact on the educational services at a district or charter school.
- (4) "Federal programs" include:
 - (a) the No Child Left Behind Act;
 - (b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law 105-17, and subsequent amendments; and
 - (c) other federal educational programs.
- (5) "National program" means a national or multi-state education program, agreement, or standards that:
 - (a) originated from, or were received directly or indirectly from, a national or multi-state organization, coalition, or compact;
 - (b) have, as a primary focus, an impact on the educational services at a public school; and
 - (c) are adopted by the State Board of Education or state superintendent of public instruction with the intent to cause a local school official to implement the national or multi-state education program, agreement, or standards.
- (6) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.
- (7) "School official" includes:
 - (a) the State Board of Education;
 - (b) the state superintendent;
 - (c) employees of the State Board of Education and the state superintendent;
 - (d) local school boards;
 - (e) school district superintendents and employees; and
 - (f) charter school board members, administrators, and employees.

Amended by Chapter 415, 2015 General Session

53A-1-903 Federal programs -- School official duties.

- (1) School officials may:
 - (a) apply for, receive, and administer funds made available through programs of the federal government;

- (b) only expend federal funds for the purposes for which they are received and are accounted for by the state, school district, or charter school; and
 - (c) reduce or eliminate a program created with or expanded by federal funds to the extent allowed by law when federal funds for that program are subsequently reduced or eliminated.
- (2) School officials shall:
- (a) prioritize resources, especially to resolve conflicts between federal provisions or between federal and state programs, including:
 - (i) providing first priority to meeting state goals, objectives, program needs, and accountability systems as they relate to federal programs; and
 - (ii) providing second priority to implementing federal goals, objectives, program needs, and accountability systems that do not directly and simultaneously advance state goals, objectives, program needs, and accountability systems;
 - (b) interpret the provisions of federal programs in the best interest of students in this state;
 - (c) maximize local control and flexibility;
 - (d) minimize additional state resources that are diverted to implement federal programs beyond the federal money that is provided to fund the programs;
 - (e) request changes to federal educational programs, especially programs that are underfunded or provide conflicts with other state or federal programs, including:
 - (i) federal statutes;
 - (ii) federal regulations; and
 - (iii) other federal policies and interpretations of program provisions; and
 - (f) seek waivers from all possible federal statutes, requirements, regulations, and program provisions from federal education officials to:
 - (i) maximize state flexibility in implementing program provisions; and
 - (ii) receive reasonable time to comply with federal program provisions.
- (3) The requirements of school officials under this part, including the responsibility to lobby federal officials, are not intended to mandate school officials to incur costs or require the hiring of lobbyists, but are intended to be performed in the course of school officials' normal duties.

Amended by Chapter 342, 2011 General Session

53A-1-904 No Child Left Behind -- State implementation.

- (1)
- (a) In accordance with the No Child Left Behind Act, including Section 9527, school officials shall determine, as applied to their responsibilities, if the No Child Left Behind Act:
 - (i) requires the state to spend state or local resources in order to comply with the No Child Left Behind Act; or
 - (ii) causes the state, local education agencies, or schools to change curriculum in order to comply.
 - (b) School officials shall request a waiver under Section 9401 of the No Child Left Behind Act of any provision of the No Child Left Behind Act that violates Section 9527.
- (2) In addition to the duties described under Subsection (1), school officials shall:
- (a) request reasonable time to comply with the provisions of the No Child Left Behind Act;
 - (b) lobby Congress for needed changes to the No Child Left Behind Act; and
 - (c) lobby federal education officials for relief from the provisions of the No Child Left Behind Act, including waivers from federal requirements, regulations, and administrative burdens.

- (3) School officials shall lobby Congress and federal education officials for needed resolution and clarification for conflicts between the No Child Left Behind Act and the Individuals with Disabilities Education Act.
- (4) In the case of conflicts between the No Child Left Behind Act and the Individuals with Disabilities Education Act, the parents, in conjunction with school officials, shall determine which program best meets the educational needs of the student.

Enacted by Chapter 2, 2005 Special Session 1

Enacted by Chapter 2, 2005 Special Session 1

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

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

Amended by Chapter 415, 2015 General Session

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

- (1) Before legally binding the state by executing a federal education agreement or national program that may cost education entities more than \$500,000 annually from state and local money to implement, a school official shall submit the proposed federal education agreement or national program to the governor for the governor's approval or rejection.
- (2) The governor shall approve or reject each federal education agreement or national program.
- (3)
 - (a) If the governor approves the federal education agreement or national program, the school official may execute the agreement.
 - (b) If the governor rejects the federal education agreement or national program, the school official may not execute the agreement.
- (4) If a school official executes a federal education agreement or national program without obtaining the governor's approval under this section, the governor may issue an executive order declaring the federal education agreement or national program void.

Amended by Chapter 415, 2015 General Session

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

- (1)
 - (a) Before legally binding the state by executing a federal education agreement or national program that may cost education entities more than \$1,000,000 annually from state and local money to implement, the school official shall:
 - (i) submit the proposed federal education agreement or national program to the governor for the governor's approval or rejection as required by Section 53A-1-906; and
 - (ii) if the governor approves the federal education agreement or national program, submit the federal education agreement to the Executive Appropriations Committee of the Legislature for its review and recommendations.
 - (b) The Executive Appropriations Committee shall review the federal education agreement or national program and may:

- (i) recommend that the school official execute the federal education agreement or national program;
 - (ii) recommend that the school official reject the federal education agreement or national program; or
 - (iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the federal education agreement or national program.
- (2)
- (a) Before legally binding the state by executing a federal education agreement or national program that may cost education entities more than \$5,000,000 annually to implement, a school official shall:
 - (i) submit the proposed federal education agreement or national program to the governor for the governor's approval or rejection as required by Section 53A-1-906; and
 - (ii) if the governor approves the federal education agreement or national program, submit the federal education agreement or national program to the Legislature for its approval in an annual general session or a special session.
 - (b)
 - (i) If the Legislature approves the federal education agreement or national program, the school official may execute the agreement.
 - (ii) If the Legislature rejects the federal education agreement or national program, the school official may not execute the agreement.
 - (c) If a school official executes a federal education agreement or national program without obtaining the Legislature's approval under this Subsection (2):
 - (i) the governor may issue an executive order declaring the federal education agreement or national program void; or
 - (ii) the Legislature may pass a joint resolution declaring the federal education agreement or national program void.

Amended by Chapter 415, 2015 General Session

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

- (1) Before legally binding the state to a federal education agreement or national program that may cost the state a total of \$500,000 or more to implement, a school official shall estimate the state and local cost of implementing the federal education agreement or national program and submit that cost estimate to the governor and the Executive Appropriations Committee of the Legislature.
- (2) The Executive Appropriations Committee may:
 - (a) direct its staff to make an independent cost estimate of the cost of implementing the federal education agreement or national program; and
 - (b) affirmatively adopt a cost estimate as the benchmark for determining which authorizations established by this part are necessary.

Amended by Chapter 415, 2015 General Session

Part 10
Interstate Compact on Educational Opportunity for Military Children

53A-1-1001 Interstate Compact on Educational Opportunity for Military Children.

ARTICLE I

PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or variations in entrance or age requirements.

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment.

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.

D. Facilitating the on-time graduation of children of military families.

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact.

F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

G. Promoting coordination between this compact and other compacts affecting military children.

H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means: full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.

B. "Children of military families" means: a school-aged child, enrolled in Kindergarten through Twelfth grade, in the household of an active duty member.

C. "Compact commissioner" means: the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means: the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

E. "Education" or "educational records" means: those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means: a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate Commission on Educational Opportunity for Military Children" means: the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission.

H. "Local education agency" means: a public authority legally constituted by the state as an administrative agency to provide control of and direction for Kindergarten through Twelfth grade public educational institutions.

I. "Member state" means: a state that has enacted this compact.

J. "Military installation" means: a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. Territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Non-member state" means: a state that has not enacted this compact.

L. "Receiving state" means: the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of a rule promulgated under Utah Code Annotated Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means: the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. Territory.

P. "Student" means: the child of a military family for whom the local education agency receives public funding and who is formally enrolled in Kindergarten through Twelfth grade.

Q. "Transition" means: 1) the formal and physical process of transferring from school to school; or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed service" means: the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

S. "Veteran" means: a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III APPLICABILITY

A. Except as otherwise provided in Section B, this compact shall apply to the children of:

1. active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;
2. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
3. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. inactive members of the national guard and military reserves;

2. members of the uniformed services now retired, except as provided in Section A;
3. veterans of the uniformed services, except as provided in Section A, and other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV

EDUCATIONAL RECORDS & ENROLLMENT

A. Unofficial or "hand-carried" education records -- In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records or transcripts -- Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within 10 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

C. Immunizations -- Compacting states shall give 30 days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Kindergarten and First grade entrance age -- Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including Kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. Students transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

ARTICLE V

PLACEMENT & ATTENDANCE

A. Course placement -- When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course.

B. Educational program placement -- The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs include, but are not limited to: 1) gifted and talented programs; and

2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services -- 1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on the student's current Individualized Education Program (IEP); and 2) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility -- Local education agency administrative officials shall have flexibility in waiving course or program prerequisites, or other preconditions for placement, in courses or programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities -- A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI ELIGIBILITY

A. Eligibility for enrollment.

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the student was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation -- State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements -- Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams -- States shall accept: 1) exit or end-of-course exams required for graduation from the sending state; 2) national norm-referenced achievement tests; or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in the student's Senior year, then the provisions of Article VII, Section C shall apply.

C. Transfers during Senior year -- Should a military student transferring at the beginning or during the student's Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this Article.

ARTICLE VIII

STATE COORDINATION

A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

B. The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the Governor or as otherwise determined by each member state.

D. The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the State Council, unless either is already a full voting member of the State Council.

ARTICLE IX

INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or State Council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

C. Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel, and other interstate compacts affecting the education of children of military members.

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

E. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. Dept. of Defense shall serve as an ex-officio, nonvoting member of the executive committee.

F. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. relate solely to the Interstate Commission's internal personnel practices and procedures;
2. disclose matters specifically exempted from disclosure by federal and state statute;
3. disclose trade secrets or commercial or financial information which is privileged or confidential;
4. involve accusing a person of a crime, or formally censuring a person;
5. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. disclose investigative records compiled for law enforcement purposes; or
7. specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

H. Shall cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The Interstate Commission shall keep minutes which

shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.

I. Shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

J. Shall create a process that permits military officials, education officials, and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

A. To provide for dispute resolution among member states.

B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of rules promulgated under Utah Code Annotated Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and shall be binding in the compact states to the extent and in the manner provided in this compact.

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions.

D. To monitor compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws. Any action to enforce compliance with the compact provision by the Interstate Commission shall be brought against a member state only.

E. To establish and maintain offices which shall be located within one or more of the member states.

F. To purchase and maintain insurance and bonds.

G. To borrow, accept, hire, or contract for services of personnel.

H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications, and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

K. To lease, purchase, accept contributions, or donations of, or otherwise to own, hold, improve, or use any property - real, personal, or mixed.

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property - real, personal, or mixed.

M. To establish a budget and make expenditures.

N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

P. To coordinate education, training, and public awareness regarding the compact and its implementation and operation for officials and parents involved in such activity.

Q. To establish uniform standards for the reporting, collecting, and exchanging of data.

R. To maintain corporate books and records in accordance with the bylaws.

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. establishing the fiscal year of the Interstate Commission;
2. establishing an executive committee, and such other committees as may be necessary;
3. providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;
4. providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;
5. establishing the titles and responsibilities of the officers and staff of the Interstate Commission;
6. providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and
7. providing "start up" rules for initial administration of the compact.

B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. Executive Committee, Officers, and Personnel.

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including, but not limited to:

a. managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

b. overseeing an organizational structure within, and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the Interstate Commission.

2. The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

D. The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided that, such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, the member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking Authority -- The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

B. Rulemaking Procedure -- Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

C. Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided that, the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight.

1. Each member state shall enforce this compact to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as a rule promulgated under Utah Code Annotated Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact, or promulgated rules.

B. Default, Technical Assistance, Suspension, and Termination -- If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:

1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.

2. Provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

5. The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination, not to

exceed \$5,000 per year, as provided in Article XIV, Subsection E, for each year that this state is a member of the compact.

6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

7. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

C. Dispute Resolution.

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.

2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. In accordance with the funding limit established in Subsection E, the Interstate Commission may levy and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

E. The Interstate Commission may not assess, levy, or collect more than \$5,000 per year from Utah legislative appropriations. Other funding sources may be accepted and used to offset expenses related to the state's participation in the compact.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 10 of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI
WITHDRAWAL AND DISSOLUTION

A. Withdrawal.

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that, a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, not to exceed \$5,000 per year, as provided in Article XIV, Subsection E, for each year that this state is a member of the compact.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

B. Dissolution of Compact.

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII
SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII
BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws -- Nothing herein prevents the enforcement of any other law of a member state.

B. Binding Effect of the Compact.

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the statutory or constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the statutory or constitutional provision in question in that member state.

Enacted by Chapter 395, 2010 General Session

53A-1-1002 Creation of State Council on Military Children.

- (1) There is established a State Council on Military Children, as required in Article VIII of Section 53A-1-1001.
- (2) The members of the State Council on Military Children shall include:
 - (a) the state superintendent of public instruction;
 - (b) a superintendent of a school district with a high concentration of military children appointed by the governor;
 - (c) a representative from a military installation, appointed by the governor;
 - (d) one member of the House of Representatives, appointed by the speaker of the House;
 - (e) one member of the Senate, appointed by the president of the Senate;
 - (f) a representative from the Department of Veterans' and Military Affairs, appointed by the governor;
 - (g) a military family education liaison, appointed by the members listed in Subsections (2)(a) through (f);
 - (h) the compact commissioner, appointed in accordance with Section 53A-1-1003; and
 - (i) other members as determined by the governor.
- (3) The State Council on Military Children shall carry out the duties established in Section 53A-1-1001.
- (4)
 - (a) A member who is not a legislator may not receive compensation or per diem.
 - (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 387, 2014 General Session

53A-1-1003 Appointment of compact commissioner.

The governor, with the consent of the Senate, shall appoint a compact commissioner to carry out the duties described in Section 53A-1-1001.

Enacted by Chapter 395, 2010 General Session

**Part 11
School Grading Act**

53A-1-1101 Title.

This part is known as the "School Grading Act."

Enacted by Chapter 417, 2011 General Session

53A-1-1102 Definitions.

As used in this part:

- (1) "Alternative school" means a school:
 - (a) established to serve youth who are not succeeding in a traditional school environment; and
 - (b) designated as an alternative school by the State Board of Education.
- (2) "Board" means the State Board of Education.

- (3) "Combination school" means a school that includes:
 - (a) grade 12; and
 - (b) a grade lower than grade 7.
- (4) "High school" means:
 - (a) a school that:
 - (i) includes grade 12; and
 - (ii) does not include any grade lower than grade 7; or
 - (b) grades 9 through 12 of a combination school.
- (5) "Individualized education program" or "IEP" means a written statement, for a student with a disability, that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- (6) "Statewide assessment" means a criterion-referenced test of student achievement in language arts, mathematics, or science, including a test administered in a computer adaptive format, which is administered statewide under Part 6, Achievement Tests.
- (7) "Sufficient growth" means a student's scale score on a statewide assessment is equal to or exceeds the student's growth target established pursuant to Section 53A-1-1107.5.

Amended by Chapter 452, 2015 General Session

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

- (1)
 - (a) The State Board of Education shall establish a school grading system in accordance with this part in which a school annually is designated a grade of A, B, C, D, or F based on the performance of the school's students on statewide assessments, and for a high school, the graduation rate and, except for the 2012-13 school year, student performance on a college admissions test administered pursuant to Section 53A-1-611.
 - (b) The school grading system established in this part shall be known and referred to as "school grading."
- (2) The State Board of Education shall:
 - (a) model the school grading system described in this part using school performance data for the 2010-11 school year;
 - (b) study modifications to the school grading system; and
 - (c) make recommendations for proposed legislation to the Education Interim Committee on modifications to the school grading system by the committee's September 2012 meeting.
- (3) The school grading system shall take effect for the 2012-13 school year and shall replace the U-PASS accountability system developed and implemented by the State Board of Education.
- (4) For the purposes of school grading, the State Board of Education shall create an alignment mapping of scale scores when transitioning to a new assessment system to reflect the core standards for Utah public schools set by the State Board of Education.

Amended by Chapter 415, 2015 General Session

53A-1-1104 Schools included in grading system.

- (1) Except as provided in Subsections (2) through (5), a school that has students who take statewide assessments shall receive a school grade.
- (2) A school may not receive a school grade, if the number of a school's students tested is less than the minimum sample size necessary, based on accepted professional practice for

statistical reliability or the prevention of the unlawful release of personally identifiable student data under 20 U.S.C. Sec. 1232h.

- (3) The board shall exempt a school from school grading in the school's first year of operations if the school's local school board or charter school governing board requests the exemption.
- (4) The board shall exempt a high school from school grading or exempt a combination school from the school grading requirement described in Subsection 53A-1-1104.5(2) in the high school's or combination school's second year of operations if the school's local school board or charter school governing board requests the exemption.
- (5)
 - (a) The board may exempt a school from school grading if the school:
 - (i)
 - (A) is an alternative school; or
 - (B) is a special needs school, as defined by rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (ii) requests the exemption with the approval of:
 - (A) the school's governing board; or
 - (B) for the Utah Schools for the Deaf and the Blind, the school's advisory committee.
 - (b) If the board exempts a school under Subsection (5)(a), the board shall annually:
 - (i) evaluate the school in accordance with an accountability plan established by the board through rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (ii) report the results on a school report card; and
 - (iii) electronically publish the school report card in the same manner and at the same time as other school report cards under Section 53A-1-1112.
 - (c) If a school is granted an exemption from school grading under Subsection (5)(a), the school shall:
 - (i) provide to a parent or guardian the school report card described in Subsection (5)(b)(ii); and
 - (ii) electronically publish the school report card in the same manner and at the same time as other school report cards under Section 53A-1-1112.

Amended by Chapter 258, 2015 General Session

Amended by Chapter 452, 2015 General Session

53A-1-1104.5 Two school grades assigned to a combination school.

The board shall assign two school grades to a combination school as follows:

- (1) the board shall assign a school grade based on the proficiency and learning gains of students who are enrolled in a grade below grade 9 as described in Sections 53A-1-1106 and 53A-1-1107; and
- (2) the board shall assign a school grade based on:
 - (a) the proficiency and learning gains of students who are enrolled in grades 9 through 12, as described in Sections 53A-1-1106 and 53A-1-1107;
 - (b) the school's graduation rate calculated in accordance with Section 53A-1-1108; and
 - (c) the percentage of students considered college ready calculated in accordance with Section 53A-1-1108.

Enacted by Chapter 403, 2014 General Session

53A-1-1105 Criteria for determining school grades.

A school's grade shall be based on:

- (1) the proficiency of a school's students in language arts, mathematics, and science as measured by statewide assessments;
- (2) learning gains of a school's students on statewide assessments of language arts, mathematics, and science achievement; and
- (3) for a high school:
 - (a) the graduation rate; and
 - (b) except for the 2012-13 school year, student performance on a college admissions test administered pursuant to Section 53A-1-611.

Amended by Chapter 478, 2013 General Session

Amended by Chapter 478, 2013 General Session, (Coordination Clause)

53A-1-1106 Calculation of points earned for students' proficiency in language arts, mathematics, and science.

- (1) A school shall receive points for the proficiency of a school's students in language arts, mathematics, and science as follows:
 - (a) A school shall receive one point for each percent of the school's students who take a statewide assessment of language arts achievement and score at or above the proficient level.
 - (b) A school shall receive one point for each percent of the school's students who take a statewide assessment of mathematics achievement and score at or above the proficient level.
 - (c) A school shall receive one point for each percent of the school's students who take a statewide assessment of science achievement and score at or above the proficient level.
- (2) A school may earn a maximum of 100 points for each of the criteria listed in Subsections (1)(a), (b), and (c).

Amended by Chapter 478, 2013 General Session

53A-1-1107 Calculation of points earned for students demonstrating sufficient growth in language arts, mathematics, and science.

- (1) A school shall receive points for a school's students demonstrating sufficient growth in language arts, mathematics, and science as follows:
 - (a) A school shall receive 0.5 points for each percentage of the school's students who take a statewide assessment of language arts achievement and make sufficient growth.
 - (b) A school shall receive 0.5 points for each percentage of the school's students who take a statewide assessment of mathematics achievement and make sufficient growth.
 - (c) A school shall receive 0.5 points for each percentage of the school's students who take a statewide assessment of science achievement and make sufficient growth.
- (2) A school shall receive points for a school's students who scored below the proficient level on statewide achievement tests in the prior year and who demonstrate sufficient growth in language arts, mathematics, and science as follows:
 - (a) A school shall receive 0.5 points for each percentage of the school's nonproficient students, as determined by prior year language arts test scores, who take a statewide assessment of language arts achievement and make sufficient growth.
 - (b) A school shall receive 0.5 points for each percentage of the school's nonproficient students, as determined by prior year mathematics test scores, who take a statewide assessment of mathematics achievement and make sufficient growth.

- (c) A school shall receive 0.5 points for each percentage of the school's nonproficient students, as determined by prior year science test scores, who take a statewide assessment of science achievement and make sufficient growth.
- (3) A school may earn a maximum of 50 points for each of the criteria listed in Subsections (1)(a), (b), and (c) and (2)(a), (b), and (c).
- (4) The State Board of Education shall:
 - (a) model the school grading system based on awarding points as described in Subsection (2) for students in the lowest quartile, as determined by prior year test scores, who make sufficient growth; and
 - (b) submit a report on the model results to the Education Interim Committee no later than the committee's November 2013 meeting.

Amended by Chapter 403, 2014 General Session

53A-1-1107.5 Growth target established to determine whether a student demonstrates sufficient growth in a subject.

- (1) For the purpose of determining whether a student demonstrates sufficient growth in the 2014-15 school year, or a succeeding school year, in language arts, mathematics, or science as provided in Section 53A-1-1107, the board shall establish a formula for a growth target for a student for each statewide assessment the student takes.
- (2) A student demonstrates sufficient growth if the student's scale score on a statewide assessment is equal to or exceeds the student's growth target established pursuant to Subsections (3) and (4).
- (3) The board shall establish a formula for a growth target for each student based on:
 - (a) the statewide cohort of students with the same scale score on a particular statewide assessment; and
 - (b) actual student growth in the 2014-15 school year as measured by statewide assessments administered at the end of the 2013-14 and 2014-15 school years and for each succeeding school year.
- (4) On or before November 30, 2015, the State Board of Education shall make recommendations to the Legislature's Education Interim Committee on the method for determining whether a student demonstrates sufficient growth for the 2015-16 school year and succeeding school years.

Amended by Chapter 452, 2015 General Session

53A-1-1108 Calculation of additional points earned for high school graduation and college and career readiness.

- (1) In addition to the points described in Sections 53A-1-1106 and 53A-1-1107, a high school shall receive points, as determined by the State Board of Education, for:
 - (a) the percentage of students who graduate from high school; and
 - (b) except for the 2012-13 school year, the percentage of students who are considered college ready as measured by a college admissions test administered pursuant to Section 53A-1-611.
- (2)
 - (a) Except as provided in Subsection (2)(b), in calculating the percentage of students who graduate, the State Board of Education shall use the same graduation rate for a high school that is used under the federal four-year cohort system.

- (b) In calculating a high school graduation rate for the purpose of school grading, the State Board of Education shall exclude from the four-year cohort for the graduating class a student with a disability who has an individualized education program that includes a plan to complete graduation requirements in more than four years.
- (3)
- (a) Except as provided in Subsection (3)(b), for the purpose of school grading, a student is considered college ready if the student's score in each subject area on the ACT is at or above the College Readiness Benchmark as defined by the ACT.
 - (b) The board in consultation with the State Board of Regents may adopt by rule a higher subject area score threshold on the ACT to be considered college ready for school grading purposes.
- (4)
- (a) Except as provided in Subsection (4)(b), a school may earn a maximum of 300 points for the criteria described in Subsection (1) with one-half of the maximum number of points allotted to high school graduation and one-half allotted to the percentage of students who are considered college ready as measured by a college admissions test administered pursuant to Section 53A-1-611.
 - (b) For the 2012-13 school year, a school may earn a maximum of 150 points for the percentage of students who graduate from high school.

Amended by Chapter 403, 2014 General Session

53A-1-1109 Calculation of percent of maximum points earned.

- (1) The percent of the maximum number of points a school that is not a high school may earn shall be calculated by:
 - (a) dividing the sum of the points earned for the criteria listed in Sections 53A-1-1106 and 53A-1-1107 by the maximum number of points that a school may earn as provided in Sections 53A-1-1106 and 53A-1-1107; and
 - (b) multiplying the quotient calculated under Subsection (1)(a) by 100.
- (2) The percent of the maximum number of points a high school may earn shall be calculated by:
 - (a) dividing the sum of the points earned for the criteria listed in Sections 53A-1-1106, 53A-1-1107, and 53A-1-1108 by the maximum number of points that a school may earn as provided in Sections 53A-1-1106, 53A-1-1107, and 53A-1-1108; and
 - (b) multiplying the quotient calculated under Subsection (2)(a) by 100.

Enacted by Chapter 417, 2011 General Session

53A-1-1110 Letter grade based on percentage of maximum points earned.

- (1) A school shall receive a letter grade based on the percentage of the maximum number of points the school may earn as calculated under Section 53A-1-1109 as follows:
 - (a) for a school that is not a high school:
 - (i) A, 100%-64%;
 - (ii) B, 63%-51%;
 - (iii) C, 50%-39%;
 - (iv) D, 38%-30%; and
 - (v) F, 29% or less; and
 - (b) for a high school:
 - (i) A, 100%-64%;
 - (ii) B, 63%-51%;

- (iii) C, 50%-43%;
 - (iv) D, 42%-40%; and
 - (v) F, 39% or less.
- (2) Notwithstanding Subsection (1), and subject to Subsection (3), for a school year in which at least 65% of schools described in Subsection (1)(a) or (b) receive an A or a B, the board shall increase an endpoint of a range described in Subsection (1)(a) or (b) by five percentage points over the previous school year.
- (3)
- (a) Subsection (2) applies until the:
 - (i) lower endpoint of the:
 - (A) A range equals 90%;
 - (B) B range equals 80%;
 - (C) C range equals 70%;
 - (D) D range equals 60%; and
 - (ii) upper endpoint of the F range equals 59%.
 - (b) The board may increase an endpoint of a range described in Subsection (1)(a) or (b) by less than five percentage points over the previous school year if increasing the endpoint by five percentage points would increase the endpoint above the applicable percentage described in Subsection (3)(a).
 - (c) If the board increases an endpoint of a range as described in this section, the board shall publish, on the board's website, each letter grade that is assigned to the percentage of points earned.
- (4) Notwithstanding Subsection (1), the board shall lower a school's grade by one letter grade if:
- (a) student participation in a statewide assessment is fewer than 95%; or
 - (b) the participation of nonproficient students as determined by prior year test scores is fewer than 95%.

Amended by Chapter 349, 2016 General Session

53A-1-1111 Students with disabilities.

- (1) In implementing the school grading system, the State Board of Education shall provide for the inclusion of the test scores of a student with a disability.
- (2) Test scores on an alternative assessment administered to a student with a disability may substitute for a statewide assessment as defined in Section 53A-1-1102.

Enacted by Chapter 417, 2011 General Session

53A-1-1112 Reporting.

- (1) For the 2012-13 school year and thereafter, the State Board of Education, in collaboration with school districts and charter schools, shall annually develop a school report card and a personal student achievement report for each public school student to be delivered to parents of students in public schools.
- (2) The school report card shall include:
 - (a) the school's grade;
 - (b) the percentage of the maximum number of points that may be earned; and
 - (c) information indicating the school's performance on the various criteria upon which the grade is based.
- (3) The personal student achievement report shall include:

- (a) information on a student's level of proficiency as measured by a statewide assessment; and
 - (b) a comparison of a student's expected learning growth and actual learning growth in a subject as measured by a statewide assessment.
- (4) A school report card and personal student achievement report shall be delivered to the parent or guardian of each student either electronically or by mail.
 - (5) On or before September 1, the State Board of Education shall annually publish, on the State Board of Education's website, a report card for each school with the information required in Subsection (2).
 - (6) On or before September 1, a school district shall annually publish on the school district's website, and a school's website, a school report card with the grade for the prior school year, together with the current school improvement plan established in accordance with Section 53A-1a-108.5.
 - (7) On or before September 1, a charter school shall annually publish on the charter school's website a school report card with the grade for the prior school year.

Amended by Chapter 478, 2013 General Session

53A-1-1113 Rules.

The State Board of Education shall make rules, as necessary, to implement a school grading system in accordance with this part.

Enacted by Chapter 417, 2011 General Session

Part 12
School Turnaround and Leadership Development Act

53A-1-1201 Title.

This part is known as the "School Turnaround and Leadership Development Act."

Enacted by Chapter 449, 2015 General Session

53A-1-1202 Definitions.

As used in this part:

- (1) "Board" means the State Board of Education.
- (2) "Charter school authorizer" means the same as that term is defined in Section 53A-1a-501.3.
- (3) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
- (4) "Educator" means the same as that term is defined in Section 53A-6-103.
- (5) "Final remedial year" means the second school year following the initial remedial year.
- (6) "Initial remedial year" means the school year a district school or charter school is designated as a low performing school under Section 53A-1-1203.
- (7) "Low performing school" means a district school or charter school that has been designated a low performing school by the board because the school is:
 - (a) in the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school grading system; and

- (b) a low performing school according to other outcome-based measures as may be defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (8) "School grade" or "grade" means the letter grade assigned to a school under the school grading system.
- (9) "School grading system" means the system established under Part 11, School Grading Act, of assigning letter grades to schools.
- (10) "Statewide assessment" means a test of student achievement in basic academic subjects, including a test administered in a computer adaptive format that is administered statewide under Part 6, Achievement Tests.

Amended by Chapter 241, 2016 General Session

53A-1-1203 State Board of Education to designate low performing schools.

On or before September 1, the board shall annually designate a school as a low performing school if the school is:

- (1) in the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school grading system; and
- (2) a low performing school according to other outcome-based measures as may be defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 241, 2016 General Session

53A-1-1204 Required action to turn around a low performing district school.

- (1) On or before September 15 of an initial remedial year, a local school board of a low performing school shall establish a school turnaround committee composed of the following members:
 - (a) the local school board member who represents the voting district where the low performing school is located;
 - (b) the school principal;
 - (c) three parents of students enrolled in the low performing school appointed by the chair of the school community council;
 - (d) one teacher at the low performing school appointed by the principal; and
 - (e) one teacher at the low performing school appointed by the school district superintendent.
- (2)
 - (a) Subject to Subsection (2)(b), on or before October 1 of an initial remedial year, a local school board of a low performing school shall partner with the school turnaround committee to select an independent school turnaround expert from the experts identified by the board under Section 53A-1-1206.
 - (b) A local school board may not select an independent school turnaround expert that is:
 - (i) the school district; or
 - (ii) an employee of the school district.
- (3) A school turnaround committee shall partner with the independent school turnaround expert selected under Subsection (2) to develop and implement a school turnaround plan that includes:
 - (a) the findings of the analysis conducted by the independent school turnaround expert described in Subsection 53A-1-1206(1)(a);

- (b) recommendations regarding changes to the low performing school's personnel, culture, curriculum, assessments, instructional practices, governance, leadership, finances, policies, or other areas that may be necessary to implement the school turnaround plan;
 - (c) measurable student achievement goals and objectives;
 - (d) a professional development plan that identifies a strategy to address problems of instructional practice;
 - (e) a detailed budget specifying how the school turnaround plan will be funded;
 - (f) a plan to assess and monitor progress;
 - (g) a plan to communicate and report data on progress to stakeholders; and
 - (h) a timeline for implementation.
- (4) A local school board of a low performing school shall:
- (a) prioritize school district funding and resources to the low performing school; and
 - (b) grant the low performing school streamlined authority over staff, schedule, policies, budget, and academic programs to implement the school turnaround plan.
- (5)
- (a) On or before March 1 of an initial remedial year, a school turnaround committee shall submit the school turnaround plan to the local school board for approval.
 - (b) Except as provided in Subsection (5)(c), on or before April 1 of an initial remedial year, a local school board of a low performing school shall submit the school turnaround plan to the board for approval.
 - (c) If the local school board does not approve the school turnaround plan submitted under Subsection (5)(a), the school turnaround committee may appeal the disapproval in accordance with rules made by the board as described in Subsection 53A-1-1206(5).

Amended by Chapter 241, 2016 General Session

53A-1-1205 Required action to terminate or turn around a low performing charter school.

- (1) On or before September 10 of an initial remedial year, a charter school authorizer of a low performing school shall initiate a review to determine whether the charter school is in compliance with the school's charter agreement described in Section 53A-1a-508, including the school's established minimum standards for student achievement.
- (2) If a low performing school is found to be out of compliance with the school's charter agreement, the charter school authorizer may terminate the school's charter in accordance with Section 53A-1a-510.
- (3) A charter school authorizer shall make a determination on the status of a low performing school's charter under Subsection (2) on or before October 1 of an initial remedial year.
- (4) If a charter school authorizer does not terminate a low performing school's charter under Subsection (2), a charter school governing board of a low performing school shall:
 - (a) on or before October 15 of an initial remedial year, establish a school turnaround committee composed of the following members:
 - (i) a member of the charter school governing board, appointed by the chair of the charter school governing board;
 - (ii) the school principal;
 - (iii) three parents of students enrolled in the low performing school, appointed by the chair of the charter school governing board; and
 - (iv) two teachers at the low performing school, appointed by the school principal; and

- (b) subject to Subsection (5), on or before November 1 of an initial remedial year, in partnership with the school turnaround committee, select an independent school turnaround expert from the experts identified by the board under Section 53A-1-1206.
- (5) A charter school governing board may not select a school turnaround expert that:
 - (a) is a member of the charter school governing board;
 - (b) is an employee of the charter school; or
 - (c) has a contract to operate the charter school.
- (6) A school turnaround committee shall partner with the independent school turnaround expert selected under Subsection (4)(b) to develop and implement a school turnaround plan that includes the elements described in Subsection 53A-1-1204(3).
- (7)
 - (a) On or before March 1 of an initial remedial year, a school turnaround committee shall submit the school turnaround plan to the charter school governing board for approval.
 - (b) Except as provided in Subsection (7)(c), on or before April 1 of an initial remedial year, a charter school governing board of a low performing school shall submit the school turnaround plan to the board for approval.
 - (c) If the charter school governing board does not approve the school turnaround plan submitted under Subsection (7)(a), the school turnaround committee may appeal the disapproval in accordance with rules made by the board as described in Subsection 53A-1-1206(5).

Amended by Chapter 241, 2016 General Session

53A-1-1206 State Board of Education to identify independent school turnaround experts -- Review and approval of school turnaround plans -- Appeals process.

- (1) On or before August 30, the board shall identify two or more approved independent school turnaround experts, through a request for proposals process, that a low performing school may select from to partner with to:
 - (a) collect and analyze data on the low performing school's student achievement, personnel, culture, curriculum, assessments, instructional practices, governance, leadership, finances, and policies;
 - (b) recommend changes to the low performing school's culture, curriculum, assessments, instructional practices, governance, finances, policies, or other areas based on data collected under Subsection (1)(a);
 - (c) develop and implement, in partnership with the school turnaround committee, a school turnaround plan that meets the criteria described in Subsection 53A-1-1204(3);
 - (d) monitor the effectiveness of a school turnaround plan through reliable means of evaluation, including on-site visits, observations, surveys, analysis of student achievement data, and interviews;
 - (e) provide ongoing implementation support and project management for a school turnaround plan;
 - (f) provide high-quality professional development personalized for school staff that is designed to build the:
 - (i) leadership capacity of the school principal; and
 - (ii) instructional capacity of school staff; and
 - (g) leverage support from community partners to coordinate an efficient delivery of supports to students both inside and outside the classroom.
- (2) In identifying independent school turnaround experts under Subsection (1), the board shall identify experts that:

- (a) have a credible track record of improving student academic achievement in public schools with various demographic characteristics, as measured by statewide assessments;
 - (b) have experience designing, implementing, and evaluating data-driven instructional systems in public schools;
 - (c) have experience coaching public school administrators and teachers on designing data-driven school improvement plans;
 - (d) have experience working with the various education entities that govern public schools;
 - (e) have experience delivering high-quality professional development in instructional effectiveness to public school administrators and teachers;
 - (f) are willing to be compensated for professional services based on performance as described in Subsection (3); and
 - (g) are willing to partner with any low performing school in the state, regardless of location.
- (3)
- (a) When awarding a contract to an independent school turnaround expert selected by a local school board under Subsection 53A-1-1204(2) or by a charter school governing board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the board and the independent school turnaround expert specifies that the board will:
 - (i) pay an independent school turnaround expert no more than 50% of the expert's professional fees at the beginning of the independent school turnaround expert's work for the low performing school; and
 - (ii) pay the remainder of the independent school turnaround expert's professional fees upon completion of the independent school turnaround expert's work for the low performing school if:
 - (A) the independent school turnaround expert fulfills the terms of the contract; and
 - (B) the low performing school's grade improves by at least one letter grade, as determined by the board under Subsection (3)(b).
 - (b) The board shall determine whether a low performing school's grade has improved under Subsection (3)(a)(ii) by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade:
 - (i) for the final remedial year; or
 - (ii) for the last school year of the extension period if, as described in Section 53A-1-1207:
 - (A) a school is granted an extension; and
 - (B) the board extends the contract of the school's independent school turnaround expert.
 - (c) In negotiating a contract with an independent school turnaround expert, the board shall offer:
 - (i) differentiated amounts of funding based on student enrollment; and
 - (ii) a higher amount of funding for schools that are in the lowest performing 1% of schools statewide according to the percentage of possible points earned under the school grading system.
- (4) The board shall:
- (a) review a school turnaround plan submitted for approval under Subsection 53A-1-1204(5)(b) or under Subsection 53A-1-1205(7)(b) within 30 days of submission;
 - (b) approve a school turnaround plan that:
 - (i) is timely;
 - (ii) is well-developed; and
 - (iii) meets the criteria described in Subsection 53A-1-1204(3); and
 - (c) subject to legislative appropriations, provide funding to a low performing school for interventions identified in an approved school turnaround plan if the local school board or charter school governing board provides matching funds or an in-kind contribution of goods or

services in an amount equal to the funding the low performing school would receive from the board.

- (5)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to establish an appeals process for:
 - (i) a low performing district school that is not granted approval from the district school's local school board under Subsection 53A-1-1204(5)(b);
 - (ii) a low performing charter school that is not granted approval from the charter school's charter school governing board under Subsection 53A-1-1205(7)(b); and
 - (iii) a local school board or charter school governing board that is not granted approval from the board under Subsection (4)(b).
 - (b) The board shall ensure that rules made under Subsection (5)(a) require an appeals process described in:
 - (i) Subsections (5)(a)(i) and (ii) to be resolved on or before April 1 of the initial remedial year; and
 - (ii) Subsection (5)(a)(iii) to be resolved on or before May 15 of the initial remedial year.
- (6)
- (a) Subject to Subsection (6)(b), the board shall balance the need to prioritize funding appropriated by the Legislature to carry out the provisions of this part to contract with highly qualified independent school turnaround experts with the need to fund:
 - (i) interventions to facilitate the implementation of a school turnaround plan under Subsection (4)(c);
 - (ii) the School Recognition and Reward Program created under Section 53A-1-1208; and
 - (iii) the School Leadership Development Program created under Section 53A-1-1209.
 - (b) The board may use up to 4% of the funds appropriated by the Legislature to carry out the provisions of this part for administration if the amount for administration is approved by the board in an open meeting.

Amended by Chapter 241, 2016 General Session

53A-1-1207 Consequences for failing to improve the school grade of a low performing school.

- (1) As used in this section, "high performing charter school" means a charter school that:
 - (a) satisfies all requirements of state law and board rules;
 - (b) meets or exceeds standards for student achievement established by the charter school's charter school authorizer; and
 - (c) has received at least a "B" grade under the school grading system in the previous two school years.
- (2)
 - (a) A low performing school may petition the board for an extension to continue school improvement efforts for up to two years if the low performing school's grade does not improve by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the final remedial year.
 - (b) The board may only grant an extension under Subsection (2)(a) if the low performing school has increased the number of points awarded under the school grading system by at least:
 - (i) 25% for a school that is not a high school; and
 - (ii) 10% for a high school.

- (c) The board shall determine whether a low performing school has increased the number of points awarded under the school grading system by the percentages described in Subsection (2)(b) by comparing the number of points awarded for the school year prior to the initial remedial year to the number of points awarded for the final remedial year.
 - (d) The board may extend the contract of an independent school turnaround expert of a low performing school that is granted an extension under this Subsection (2).
 - (e) A school that has been granted an extension under this Subsection (2) is eligible for:
 - (i) continued funding under Subsection 53A-1-1206(4)(c); and
 - (ii) the School Recognition and Reward Program under Section 53A-1-1208.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules establishing consequences for a low performing school that:
- (a)
 - (i) does not improve the school's grade by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the final remedial year; and
 - (ii) is not granted an extension under Subsection (2); or
 - (b)
 - (i) is granted an extension under Subsection (2); and
 - (ii) does not improve the school's grade by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the last school year of the extension period.
- (4) The board shall ensure that the rules established under Subsection (3) include a mechanism for:
- (a) restructuring a district school that may include:
 - (i) contract management;
 - (ii) conversion to a charter school; or
 - (iii) state takeover; and
 - (b) restructuring a charter school that may include:
 - (i) termination of a school's charter;
 - (ii) closure of a charter school; or
 - (iii) transferring operation and control of the charter school to:
 - (A) a high performing charter school; or
 - (B) the school district in which the charter school is located.

Amended by Chapter 241, 2016 General Session

53A-1-1208 School Recognition and Reward Program.

- (1) As used in this section, "eligible school" means a low performing school that:
 - (a) improves the school's grade by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the final remedial year; or
 - (b)
 - (i) has been granted an extension under Subsection 53A-1-1207(2); and
 - (ii) improves the school's grade by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the last school year of the extension period.
- (2) The School Recognition and Reward Program is created to provide incentives to schools and educators to improve the school grade of a low performing school.

- (3) Subject to appropriations by the Legislature, upon the release of school grades by the board, the board shall distribute a reward equal to:
 - (a) for an eligible school that improves the eligible school's grade one letter grade:
 - (i) \$100 per tested student; and
 - (ii) \$1,000 per educator;
 - (b) for an eligible school that improves the eligible school's grade two letter grades:
 - (i) \$200 per tested student; and
 - (ii) \$2,000 per educator;
 - (c) for an eligible school that improves the eligible school's grade three letter grades:
 - (i) \$300 per tested student; and
 - (ii) \$3,000 per educator; and
 - (d) for an eligible school that improves the eligible school's grade four letter grades:
 - (i) \$500 per tested student; and
 - (ii) \$5,000 per educator.
- (4) The principal of an eligible school that receives a reward under Subsection (3), in consultation with the educators at the eligible school, may determine how to use the money in the best interest of the school, including providing bonuses to educators.
- (5) If the number of qualifying eligible schools exceeds available funds, the board may reduce the amounts specified in Subsection (3).

Amended by Chapter 241, 2016 General Session

53A-1-1209 School Leadership Development Program.

- (1) As used in this section, "school leader" means a school principal or assistant principal.
- (2) There is created the School Leadership Development Program to increase the number of highly effective school leaders capable of:
 - (a) initiating, achieving, and sustaining school improvement efforts; and
 - (b) forming and sustaining community partnerships as described in Section 53A-4-303.
- (3) The board shall identify one or more providers, through a request for proposals process, to develop or provide leadership development training for school leaders that:
 - (a) may provide in-depth training in proven strategies to turn around low performing schools;
 - (b) may emphasize hands-on and job-embedded learning;
 - (c) aligns with the state's leadership standards established by board rule;
 - (d) reflects the needs of a school district or charter school where a school leader serves;
 - (e) may include training on using student achievement data to drive decisions;
 - (f) may develop skills in implementing and evaluating evidence-based instructional practices;
 - (g) may develop skills in leading collaborative school improvement structures, including professional learning communities; and
 - (h) includes instruction on forming and sustaining community partnerships as described in Section 53A-4-303.
- (4) Subject to legislative appropriations, the State Board of Education shall provide incentive pay to a school leader who:
 - (a) completes leadership development training under this section; and
 - (b) agrees to work, for at least five years, in a school that received an "F" grade or "D" grade under the school grading system in the school year previous to the first year the school leader:
 - (i) completes leadership development training; and
 - (ii) begins to work, or continues to work, in a school described in this Subsection (4)(b).

- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules specifying:
- (a) eligibility criteria for a school leader to participate in the School Leadership Development Program;
 - (b) application procedures for the School Leadership Development Program;
 - (c) criteria for selecting school leaders from the application pool; and
 - (d) procedures for awarding incentive pay under Subsection (4).

Amended by Chapter 331, 2016 General Session

53A-1-1210 Reporting requirement.

On or before November 30 of each year, the board shall report to the Education Interim Committee on the provisions of this part.

Enacted by Chapter 449, 2015 General Session

53A-1-1211 Coordination with the Partnerships for Student Success Grant Program.

If a low performing school is a member of a partnership that receives a grant under Chapter 4, Part 3, Partnerships for Student Success Grant Program, the school turnaround committee shall:

- (1) coordinate the school turnaround committee's efforts with the efforts of the partnership; and
- (2) ensure that the goals and outcomes of the partnership are aligned with the school turnaround plan described in this part.

Enacted by Chapter 331, 2016 General Session

Part 13
Career and College Readiness Mathematics Competency

53A-1-1301 Title.

This part is known as "Career and College Readiness Mathematics Competency."

Enacted by Chapter 443, 2015 General Session

53A-1-1302 Career and college readiness mathematics competency standards.

- (1) As used in this section, "qualifying score" means a score established as described in Subsection (4), that, if met by a student, qualifies the student to receive college credit for a mathematics course that satisfies the state system of higher education quantitative literacy requirement.
- (2) The State Board of Education shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that:
 - (a)
 - (i) establish the mathematics competency standards described in Subsection (3) as a graduation requirement beginning with the 2016-17 school year; and
 - (ii) include the qualifying scores described in Subsection (4); and
 - (b) establish systematic reporting of college and career ready mathematics achievement.

- (3) In addition to other graduation requirements established by the State Board of Education, a student shall fulfill one of the following requirements to demonstrate mathematics competency that supports the student's future college and career goals as outlined in the student's college and career plan:
 - (a) for a student pursuing a college degree after graduation:
 - (i) receive a score that at least meets the qualifying score for:
 - (A) an Advanced Placement calculus or statistics exam;
 - (B) an International Baccalaureate higher level mathematics exam;
 - (C) the ACCUPLACER College-Level Math test or an equivalent test described in Subsection (5);
 - (D) a College Level Examination Program precalculus or calculus exam; or
 - (E) the ACT Mathematics Test; or
 - (ii) receive at least a "C" grade in a concurrent enrollment mathematics course that satisfies the state system of higher education quantitative literacy requirement;
 - (b) for a non college degree-seeking student, the student shall complete appropriate math competencies for the student's career goals as described in the student's college and career plan;
 - (c) for a student with an individualized education program prepared in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., the student shall meet the mathematics standards described in the student's individualized education program; or
 - (d) for a senior student with special circumstances as described in State Board of Education rule, the student shall fulfill a requirement associated with the student's special circumstances, as established in State Board of Education rule.
- (4) The State Board of Regents shall, in consultation with the State Board of Education, determine qualifying scores for the tests and exams described in Subsection (3)(a)(i).
- (5) The State Board of Regents, established in Section 53B-1-103, may make a policy to select at least one test the State Board of Regents finds is equivalent to the ACCUPLACER College-Level Math test.
- (6) The State Board of Regents shall, in consultation with the State Board of Education, make policies to:
 - (a) develop mechanisms for a student who completes a math competency requirement described in Subsection (3)(a) to:
 - (i) receive college credit; and
 - (ii) satisfy the state system of higher education quantitative literacy requirement;
 - (b) allow a student, upon completion of required high school mathematics courses with at least a "C" grade, entry into a mathematics concurrent enrollment course;
 - (c) increase access to a range of mathematics concurrent enrollment courses;
 - (d) establish a consistent concurrent enrollment course approval process; and
 - (e) establish a consistent process to qualify high school teachers with an upper level mathematics endorsement to teach entry level mathematics concurrent enrollment courses.

Enacted by Chapter 443, 2015 General Session

Part 14
Student Data Protection Act

53A-1-1401 Title.

This part is known as the "Student Data Protection Act."

Enacted by Chapter 221, 2016 General Session

53A-1-1402 Definitions.

As used in this part:

- (1) "Adult student" means a student who:
 - (a) is at least 18 years old;
 - (b) is an emancipated student; or
 - (c) qualifies under the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 U.S.C. Sec. 11431 et seq.
- (2) "Aggregate data" means data that:
 - (a) are totaled and reported at the group, cohort, school, school district, region, or state level with at least 10 individuals in the level;
 - (b) do not reveal personally identifiable student data; and
 - (c) are collected in accordance with board rule.
- (3)
 - (a) "Biometric identifier" means a:
 - (i) retina or iris scan;
 - (ii) fingerprint;
 - (iii) human biological sample used for valid scientific testing or screening; or
 - (iv) scan of hand or face geometry.
 - (b) "Biometric identifier" does not include:
 - (i) a writing sample;
 - (ii) a written signature;
 - (iii) a voiceprint;
 - (iv) a photograph;
 - (v) demographic data; or
 - (vi) a physical description, such as height, weight, hair color, or eye color.
- (4) "Biometric information" means information, regardless of how the information is collected, converted, stored, or shared:
 - (a) based on an individual's biometric identifier; and
 - (b) used to identify the individual.
- (5) "Board" means the State Board of Education.
- (6) "Cumulative disciplinary record" means disciplinary student data that is part of a cumulative record.
- (7) "Cumulative record" means physical or electronic information that the education entity intends:
 - (a) to store in a centralized location for 12 months or more; and
 - (b) for the information to follow the student through the public education system.
- (8) "Data authorization" means written authorization to collect or share a student's student data, from:
 - (a) the student's parent, if the student is not an adult student; or
 - (b) the student, if the student is an adult student.
- (9) "Data governance plan" means an education entity's comprehensive plan for managing education data that:

- (a) incorporates reasonable data industry best practices to maintain and protect student data and other education-related data;
 - (b) provides for necessary technical assistance, training, support, and auditing;
 - (c) describes the process for sharing student data between an education entity and another person;
 - (d) describes the process for an adult student or parent to request that data be expunged; and
 - (e) is published annually and available on the education entity's website.
- (10) "Education entity" means:
- (a) the board;
 - (b) a local school board;
 - (c) a charter school governing board;
 - (d) a school district;
 - (e) a charter school;
 - (f) the Utah Schools for the Deaf and the Blind; or
 - (g) for purposes of implementing the School Readiness Initiative described in Chapter 1b, Part 1, School Readiness Initiative Act, the School Readiness Board created in Section 53A-1b-103.
- (11) "Expunge" means to seal or permanently delete data, as described in board rule made under Section 53A-1-1407.
- (12) "External application" means a general audience:
- (a) application;
 - (b) piece of software;
 - (c) website; or
 - (d) service.
- (13) "Individualized education program" or "IEP" means a written statement:
- (a) for a student with a disability; and
 - (b) that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- (14) "Internal application" means an Internet website, online service, online application, mobile application, or software, if the Internet website, online service, online application, mobile application, or software is subject to a third-party contractor's contract with an education entity.
- (15) "Local education agency" or "LEA" means:
- (a) a school district;
 - (b) a charter school;
 - (c) the Utah Schools for the Deaf and the Blind; or
 - (d) for purposes of implementing the School Readiness Initiative described in Chapter 1b, Part 1, School Readiness Initiative Act, the School Readiness Board created in Section 53A-1b-103.
- (16) "Metadata dictionary" means a complete list of an education entity's student data elements and other education-related data elements, that:
- (a) defines and discloses all data collected, used, stored, and shared by the education entity, including:
 - (i) who uses a data element within an education entity and how a data element is used within an education entity;
 - (ii) if a data element is shared externally, who uses the data element externally and how a data element is shared externally;
 - (iii) restrictions on the use of a data element; and
 - (iv) parent and student rights to a data element;
 - (b) designates student data elements as:
 - (i) necessary student data; or

- (ii) optional student data;
 - (c) designates student data elements as required by state or federal law; and
 - (d) without disclosing student data or security information, is displayed on the education entity's website.
- (17) "Necessary student data" means data required by state statute or federal law to conduct the regular activities of an education entity, including:
- (a) name;
 - (b) date of birth;
 - (c) sex;
 - (d) parent contact information;
 - (e) custodial parent information;
 - (f) contact information;
 - (g) a student identification number;
 - (h) local, state, and national assessment results or an exception from taking a local, state, or national assessment;
 - (i) courses taken and completed, credits earned, and other transcript information;
 - (j) course grades and grade point average;
 - (k) grade level and expected graduation date or graduation cohort;
 - (l) degree, diploma, credential attainment, and other school exit information;
 - (m) attendance and mobility;
 - (n) drop-out data;
 - (o) immunization record or an exception from an immunization record;
 - (p) race;
 - (q) ethnicity;
 - (r) tribal affiliation;
 - (s) remediation efforts;
 - (t) an exception from a vision screening required under Section 53A-11-203 or information collected from a vision screening required under Section 53A-11-203;
 - (u) information related to the Utah Registry of Autism and Developmental Disabilities, described in Section 26-7-4;
 - (v) student injury information;
 - (w) a cumulative disciplinary record created and maintained as described in Section 53A-1-1407;
 - (x) juvenile delinquency records;
 - (y) English language learner status; and
 - (z) child find and special education evaluation data related to initiation of an IEP.
- (18)
- (a) "Optional student data" means student data that is not:
 - (i) necessary student data; or
 - (ii) student data that an education entity may not collect under Section 53A-1-1406.
 - (b) "Optional student data" includes:
 - (i) information that is:
 - (A) related to an IEP or needed to provide special needs services; and
 - (B) not necessary student data;
 - (ii) biometric information; and
 - (iii) information that is not necessary student data and that is required for a student to participate in a federal or other program.
- (19) "Parent" means a student's parent or legal guardian.
- (20)

- (a) "Personally identifiable student data" means student data that identifies or is used by the holder to identify a student.
- (b) "Personally identifiable student data" includes:
 - (i) a student's first and last name;
 - (ii) the first and last name of a student's family member;
 - (iii) a student's or a student's family's home or physical address;
 - (iv) a student's email address or other online contact information;
 - (v) a student's telephone number;
 - (vi) a student's social security number;
 - (vii) a student's biometric identifier;
 - (viii) a student's health or disability data;
 - (ix) a student's education entity student identification number;
 - (x) a student's social media user name and password or alias;
 - (xi) if associated with personally identifiable student data, the student's persistent identifier, including:
 - (A) a customer number held in a cookie; or
 - (B) a processor serial number;
 - (xii) a combination of a student's last name or photograph with other information that together permits a person to contact the student online;
 - (xiii) information about a student or a student's family that a person collects online and combines with other personally identifiable student data to identify the student; and
 - (xiv) other information that is linked to a specific student that would allow a reasonable person in the school community, who does not have first-hand knowledge of the student, to identify the student with reasonable certainty.
- (21) "School official" means an employee or agent of an education entity, if the education entity has authorized the employee or agent to request or receive student data on behalf of the education entity.
- (22)
 - (a) "Student data" means information about a student at the individual student level.
 - (b) "Student data" does not include aggregate or de-identified data.
- (23) "Student data disclosure statement" means a student data disclosure statement described in Section 53A-1-1406.
- (24) "Student data manager" means:
 - (a) the state student data officer; or
 - (b) an individual designated as a student data manager by an education entity under Section 53A-1-1404.
- (25) "Targeted advertising" means advertising to a student on an internal or external application, if the advertisement is based on information or student data the third-party contractor collected or received under the third-party contractor's contract with an education entity.
- (26) "Third-party contractor" means a person who:
 - (a) is not an education entity; and
 - (b) pursuant to a contract with an education entity, collects or receives student data in order to provide a product or service, as described in the contract, if the product or service is not related to school photography, yearbooks, graduation announcements, or a similar product or service.

Enacted by Chapter 221, 2016 General Session

53A-1-1403 State student data protection governance.

- (1)
 - (a) An education entity or a third-party contractor who collects, uses, stores, shares, or deletes student data shall protect student data as described in this part.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to administer this part, including student data protection standards for public education employees, student aides, and volunteers.
- (2) The board shall oversee the preparation and maintenance of:
 - (a) a statewide data governance plan; and
 - (b) a state-level metadata dictionary.
- (3) As described in this Subsection (3), the board shall establish advisory groups to oversee student data protection in the state and make recommendations to the board regarding student data protection.
 - (a) The board shall establish a student data policy advisory group:
 - (i) composed of members from:
 - (A) the Legislature;
 - (B) the board and board employees; and
 - (C) one or more LEAs;
 - (ii) to discuss and make recommendations to the board regarding:
 - (A) enacted or proposed legislation; and
 - (B) state and local student data protection policies across the state;
 - (iii) that reviews and monitors the state student data governance plan; and
 - (iv) that performs other tasks related to student data protection as designated by the board.
 - (b) The board shall establish a student data governance advisory group:
 - (i) composed of the state student data officer and other board employees; and
 - (ii) that performs duties related to state and local student data protection, including:
 - (A) overseeing data collection and usage by board program offices; and
 - (B) preparing and maintaining the board's student data governance plan under the direction of the student data policy advisory group.
 - (c) The board shall establish a student data users advisory group:
 - (i) composed of members who use student data at the local level; and
 - (ii) that provides feedback and suggestions on the practicality of actions proposed by the student data policy advisory group and the student data governance advisory group.
- (4)
 - (a) The board shall designate a state student data officer.
 - (b) The state student data officer shall:
 - (i) act as the primary point of contact for state student data protection administration in assisting the board to administer this part;
 - (ii) ensure compliance with student privacy laws throughout the public education system, including:
 - (A) providing training and support to applicable board and LEA employees; and
 - (B) producing resource materials, model plans, and model forms for local student data protection governance, including a model student data disclosure statement;
 - (iii) investigate complaints of alleged violations of this part;
 - (iv) report violations of this part to:
 - (A) the board;
 - (B) an applicable education entity; and
 - (C) the student data policy advisory group; and

- (v) act as a state level student data manager.
- (5) The board shall designate:
 - (a) at least one support manager to assist the state student data officer; and
 - (b) a student data protection auditor to assist the state student data officer.
- (6) The board shall establish an external research review process for a request for data for the purpose of external research or evaluation.

Enacted by Chapter 221, 2016 General Session

53A-1-1404 Local student data protection governance.

- (1) An LEA shall adopt policies to protect student data in accordance with this part and board rule, taking into account the specific needs and priorities of the LEA.
- (2)
 - (a) An LEA shall designate an individual to act as a student data manager to fulfill the responsibilities of a student data manager described in Section 53A-1-1409.
 - (b) If possible, an LEA shall designate the LEA's records officer as defined in Section 63G-2-103, as the student data manager.
- (3) An LEA shall create and maintain an LEA:
 - (a) data governance plan; and
 - (b) metadata dictionary.
- (4) An LEA shall establish an external research review process for a request for data for the purpose of external research or evaluation.

Enacted by Chapter 221, 2016 General Session

53A-1-1405 Student data ownership -- Notification in case of breach.

- (1)
 - (a) A student owns the student's personally identifiable student data.
 - (b) A student may download, export, transfer, save, or maintain the student's student data, including a document.
- (2) If there is a release of a student's personally identifiable student data due to a security breach, an education entity shall notify:
 - (a) the student, if the student is an adult student; or
 - (b) the student's parent or legal guardian, if the student is not an adult student.

Enacted by Chapter 221, 2016 General Session

53A-1-1406 Collecting student data -- Prohibition -- Student data disclosure statement -- Authorization.

- (1) An education entity shall comply with this section beginning with the 2017-18 school year.
- (2) An education entity may not collect a student's:
 - (a) social security number; or
 - (b) except as required in Section 78A-6-112, criminal record.
- (3) An education entity that collects student data into a cumulative record shall, in accordance with this section, prepare and distribute to parents and students a student data disclosure statement that:
 - (a) is a prominent, stand-alone document;
 - (b) is annually updated and published on the education entity's website;

- (c) states the necessary and optional student data the education entity collects;
 - (d) states that the education entity will not collect the student data described in Subsection (2);
 - (e) states the student data described in Section 53A-1-1409 that the education entity may not share without a data authorization;
 - (f) states that students and parents are responsible for the collection, use, or sharing of student data as described in Section 53A-1-1405;
 - (g) describes how the education entity may collect, use, and share student data;
 - (h) includes the following statement: "The collection, use, and sharing of student data has both benefits and risks. Parents and students should learn about these benefits and risks and make choices regarding student data accordingly.";
 - (i) describes in general terms how the education entity stores and protects student data; and
 - (j) states a student's rights under this part.
- (4) An education entity may collect the necessary student data of a student into a cumulative record if the education entity provides a student data disclosure statement to:
- (a) the student, if the student is an adult student; or
 - (b) the student's parent, if the student is not an adult student.
- (5) An education entity may collect optional student data into a cumulative record if the education entity:
- (a) provides, to an individual described in Subsection (4), a student data disclosure statement that includes a description of:
 - (i) the optional student data to be collected; and
 - (ii) how the education entity will use the optional student data; and
 - (b) obtains a data authorization to collect the optional student data from an individual described in Subsection (4).
- (6) An education entity may collect a student's biometric identifier or biometric information into a cumulative record if the education entity:
- (a) provides, to an individual described in Subsection (4), a biometric information disclosure statement that is separate from a student data disclosure statement, which states:
 - (i) the biometric identifier or biometric information to be collected;
 - (ii) the purpose of collecting the biometric identifier or biometric information; and
 - (iii) how the education entity will use and store the biometric identifier or biometric information; and
 - (b) obtains a data authorization to collect the biometric identifier or biometric information from an individual described in Subsection (4).

Enacted by Chapter 221, 2016 General Session

53A-1-1407 Using and deleting student data -- Rulemaking -- Cumulative disciplinary record.

- (1) In accordance with Title 63G, Chapter 2, Government Records Access and Management Act, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules regarding using and expunging student data, including:
- (a) a categorization of cumulative disciplinary records that includes the following levels of maintenance:
 - (i) one year;
 - (ii) three years; and
 - (iii) except as required in Subsection (3), as determined by the education entity;
 - (b) the types of student data that may be expunged, including:
 - (i) medical records; and

- (ii) behavioral test assessments; and
- (c) the types of student data that may not be expunged, including:
 - (i) grades;
 - (ii) transcripts;
 - (iii) a record of the student's enrollment; and
 - (iv) assessment information.
- (2) In accordance with board rule, an education entity may create and maintain a cumulative disciplinary record for a student.
- (3)
 - (a) An education entity shall, in accordance with board rule, expunge a student's student data that is stored by the education entity if:
 - (i) the student is at least 23 years old; and
 - (ii) the student requests that the education entity expunge the student data.
 - (b) An education entity shall retain and dispose of records in accordance with Section 63G-2-604 and board rule.

Enacted by Chapter 221, 2016 General Session

53A-1-1408 Securing and cataloguing student data.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules that:

- (1) using reasonable data industry best practices, prescribe the maintenance and protection of stored student data by:
 - (a) an education entity; and
 - (b) a third-party contractor; and
- (2) state requirements for an education entity's metadata dictionary.

Enacted by Chapter 221, 2016 General Session

53A-1-1409 Sharing student data -- Prohibition -- Requirements for student data manager.

- (1) An education entity shall comply with this section beginning with the 2017-18 school year.
- (2) An education entity may not share a student's personally identifiable student data if the personally identifiable student data is not shared in accordance with:
 - (a) the Family Education Rights and Privacy Act and related provisions under 20 U.S.C. Secs. 1232g and 1232h; and
 - (b) this part.
- (3) A student data manager shall:
 - (a) authorize and manage the sharing, outside of the education entity, of personally identifiable student data from a cumulative record for the education entity as described in this section; and
 - (b) act as the primary local point of contact for the state student data officer described in Section 53A-1-1403.
- (4)
 - (a) Except as provided in this section or required by federal law, a student data manager may not share, outside of the education entity, personally identifiable student data from a cumulative record without a data authorization.
 - (b) A student data manager may share the personally identifiable student data of a student with the student and the student's parent.

- (5) A student data manager may share a student's personally identifiable student data from a cumulative record with:
 - (a) a school official;
 - (b) as described in Subsection (6), an authorized caseworker or other representative of the Department of Human Services; or
 - (c) a person to whom the student data manager's education entity has outsourced a service or function:
 - (i) to research the effectiveness of a program's implementation; or
 - (ii) that the education entity's employees would typically perform.
- (6) A student data manager may share a student's personally identifiable student data from a cumulative record with a caseworker or representative of the Department of Human Services if:
 - (a) the Department of Human Services is:
 - (i) legally responsible for the care and protection of the student; or
 - (ii) providing services to the student;
 - (b) the student's personally identifiable student data is not shared with a person who is not authorized:
 - (i) to address the student's education needs; or
 - (ii) by the Department of Human Services to receive the student's personally identifiable student data; and
 - (c) the Department of Human Services maintains and protects the student's personally identifiable student data.
- (7) The Department of Human Services, a school official, or the Utah Juvenile Court may share education information, including a student's personally identifiable student data, to improve education outcomes for youth:
 - (a) in the custody of, or under the guardianship of, the Department of Human Services;
 - (b) receiving services from the Division of Juvenile Justice Services;
 - (c) in the custody of the Division of Child and Family Services;
 - (d) receiving services from the Division of Services for People with Disabilities; or
 - (e) under the jurisdiction of the Utah Juvenile Court.
- (8) Subject to Subsection (9), a student data manager may share aggregate data.
- (9)
 - (a) If a student data manager receives a request to share data for the purpose of external research or evaluation, the student data manager shall:
 - (i) submit the request to the education entity's external research review process; and
 - (ii) fulfill the instructions that result from the review process.
 - (b) A student data manager may not share personally identifiable student data for the purpose of external research or evaluation.
- (10)
 - (a) A student data manager may share personally identifiable student data in response to a subpoena issued by a court.
 - (b) A person who receives personally identifiable student data under Subsection (10)(a) may not use the personally identifiable student data outside of the use described in the subpoena.
- (11)
 - (a) In accordance with board rule, a student data manager may share personally identifiable information that is directory information.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to:
 - (i) define directory information; and

- (ii) determine how a student data manager may share personally identifiable information that is directory information.

Enacted by Chapter 221, 2016 General Session

53A-1-1410 Third-party contractors -- Use and protection of student data -- Contract requirements -- Completion of contract -- Required and allowed uses of student data -- Restrictions on the use of student data -- Exceptions.

- (1) A third-party contractor shall use personally identifiable student data received under a contract with an education entity strictly for the purpose of providing the contracted product or service.
- (2) When contracting with a third-party contractor, an education entity shall require the following provisions in the contract:
 - (a) requirements and restrictions related to the collection, use, storage, or sharing of student data by the third-party contractor that are necessary for the education entity to ensure compliance with the provisions of this part and board rule;
 - (b) a description of a person, or type of person, including an affiliate of the third-party contractor, with whom the third-party contractor may share student data;
 - (c) provisions that, at the request of the education entity, govern the deletion of the student data received by the third-party contractor;
 - (d) except as provided in Subsection (4) and if required by the education entity, provisions that prohibit the secondary use of personally identifiable student data by the third-party contractor; and
 - (e) an agreement by the third-party contractor that, at the request of the education entity that is a party to the contract, the education entity or the education entity's designee may audit the third-party contractor to verify compliance with the contract.
- (3) As authorized by law or court order, a third-party contractor shall share student data as requested by law enforcement.
- (4) A third-party contractor may:
 - (a) use student data for adaptive learning or customized student learning purposes;
 - (b) market an educational application or product to a parent or legal guardian of a student if the third-party contractor did not use student data, shared by or collected on behalf of an education entity, to market the educational application or product;
 - (c) use a recommendation engine to recommend to a student:
 - (i) content that relates to learning or employment, within the third-party contractor's internal application, if the recommendation is not motivated by payment or other consideration from another party; or
 - (ii) services that relate to learning or employment, within the third-party contractor's internal application, if the recommendation is not motivated by payment or other consideration from another party;
 - (d) respond to a student request for information or feedback, if the content of the response is not motivated by payment or other consideration from another party; or
 - (e) use student data to allow or improve operability and functionality of the third-party contractor's internal application.
- (5) At the completion of a contract with an education entity, if the contract has not been renewed, a third-party contractor shall:
 - (a) return all personally identifiable student data to the education entity; or
 - (b) as reasonable, delete all personally identifiable student data related to the third-party contractor's work.

- (6)
 - (a) A third-party contractor may not:
 - (i) except as provided in Subsection (6)(b), sell student data;
 - (ii) collect, use, or share student data, if the collection, use, or sharing of the student data is inconsistent with the third-party contractor's contract with the education entity; or
 - (iii) use student data for targeted advertising.
 - (b) A person may obtain student data through the purchase of, merger with, or otherwise acquiring a third-party contractor if the third-party contractor remains in compliance with this section.
- (7) A provider of an electronic store, gateway, marketplace, or other means of purchasing an external application is not required to ensure that the external application obtained through the provider complies with this section.
- (8) The provisions of this section do not:
 - (a) apply to the use of an external application, including the access of an external application with login credentials created by a third-party contractor's internal application;
 - (b) apply to the providing of Internet service; or
 - (c) impose a duty on a provider of an interactive computer service, as defined in 47 U.S.C. Sec. 230, to review or enforce compliance with this section.

Enacted by Chapter 221, 2016 General Session

53A-1-1411 Penalties.

- (1)
 - (a) A third-party contractor that knowingly or recklessly permits unauthorized collecting, sharing, or use of student data under this part:
 - (i) except as provided in Subsection (1)(b), may not enter into a future contract with an education entity;
 - (ii) may be required by the board to pay a civil penalty of up to \$25,000; and
 - (iii) may be required to pay:
 - (A) the education entity's cost of notifying parents and students of the unauthorized sharing or use of student data; and
 - (B) expenses incurred by the education entity as a result of the unauthorized sharing or use of student data.
 - (b) An education entity may enter into a contract with a third-party contractor that knowingly or recklessly permitted unauthorized collecting, sharing, or use of student data if:
 - (i) the board or education entity determines that the third-party contractor has corrected the errors that caused the unauthorized collecting, sharing, or use of student data; and
 - (ii) the third-party contractor demonstrates:
 - (A) if the third-party contractor is under contract with an education entity, current compliance with this part; or
 - (B) an ability to comply with the requirements of this part.
 - (c) The board may assess the civil penalty described in Subsection (1)(a)(ii) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
 - (d) The board may bring an action in the district court of the county in which the office of the board is located, if necessary, to enforce payment of the civil penalty described in Subsection (1)(a)(ii).
 - (e) An individual who knowingly or intentionally permits unauthorized collecting, sharing, or use of student data may be found guilty of a class A misdemeanor.

- (2)
 - (a) A parent or student may bring an action in a court of competent jurisdiction for damages caused by a knowing or reckless violation of Section 53A-1-1410 by a third-party contractor.
 - (b) If the court finds that a third-party contractor has violated Section 53A-1-1410, the court may award to the parent or student:
 - (i) damages; and
 - (ii) costs.

Enacted by Chapter 221, 2016 General Session

Part 15

Digital Teaching and Learning Grant Program

53A-1-1501 Title.

This part is known as "Digital Teaching and Learning Grant Program."

Enacted by Chapter 318, 2016 General Session

53A-1-1502 Definitions.

As used in this part:

- (1) "Advisory committee" means the committee established by the board under Section 53A-1-1506.
- (2) "Board" means the State Board of Education.
- (3) "Digital readiness assessment" means an assessment provided by the board that:
 - (a) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive digital teaching and learning; and
 - (b) informs the preparation of an LEA's plan for incorporating comprehensive digital teaching and learning.
- (4) "High quality professional learning" means the professional learning standards described in Section 53A-3-701.
- (5) "Implementation assessment" means an assessment that analyzes an LEA's implementation of an LEA plan, including identifying areas for improvement, obstacles to implementation, progress toward the achievement of stated goals, and recommendations going forward.
- (6) "LEA plan" means an LEA's plan to implement a digital teaching and learning program that meets the requirements of this section and requirements set forth by the board and the advisory committee.
- (7) "Local education agency" or "LEA" means:
 - (a) a school district;
 - (b) a charter school; or
 - (c) the Utah Schools for the Deaf and the Blind.
- (8) "Program" means the Digital Teaching and Learning Grant Program established in this part and as described in a proposal adopted by the digital teaching and learning task force in accordance with Section 53A-1-1503.
- (9) "Utah Education and Telehealth Network" or "UETN" means the Utah Education and Telehealth Network created in Section 53B-17-105.

Enacted by Chapter 318, 2016 General Session

53A-1-1503 Digital teaching and learning program task force -- Funding proposal for a program -- Master plan -- Reporting requirements.

- (1)
 - (a) The board shall establish a digital teaching and learning task force to develop a funding proposal to present to the Legislature for digital teaching and learning in elementary and secondary schools.
 - (b) The digital teaching and learning task force shall include representatives of:
 - (i) the board;
 - (ii) UETN;
 - (iii) LEAs; and
 - (iv) the Governor's Education Excellence Commission.
- (2)
 - (a) The board, in consultation with the digital teaching and learning task force created in Subsection (1), shall create a funding proposal for a statewide digital teaching and learning program designed to:
 - (i) improve student outcomes through the use of digital teaching and learning technology; and
 - (ii) provide high quality professional learning for educators to improve student outcomes through the use of digital teaching and learning technology.
 - (b) The board shall:
 - (i) identify outcome based metrics to measure student achievement related to a digital teaching and learning program; and
 - (ii) develop minimum benchmark standards for student achievement and school level outcomes to measure successful implementation of a digital teaching and learning program.
- (3) As funding allows, the board shall develop a master plan for a statewide digital teaching and learning program, including the following:
 - (a) a statement of purpose that describes the objectives or goals the board will accomplish by implementing a digital teaching and learning program;
 - (b) a forecast for fundamental components needed to implement a digital teaching and learning program, including a forecast for:
 - (i) student and teacher devices;
 - (ii) Wi-Fi and wireless compatible technology;
 - (iii) curriculum software;
 - (iv) assessment solutions;
 - (v) technical support;
 - (vi) change management of LEAs;
 - (vii) high quality professional learning;
 - (viii) Internet delivery and capacity; and
 - (ix) security and privacy of users;
 - (c) a determination of the requirements for:
 - (i) statewide technology infrastructure; and
 - (ii) local LEA technology infrastructure;
 - (d) standards for high quality professional learning related to implementing and maintaining a digital teaching and learning program;
 - (e) a statewide technical support plan that will guide the implementation and maintenance of a digital teaching and learning program, including standards and competency requirements for technical support personnel;

- (f)
 - (i) a grant program for LEAs; or
 - (ii) a distribution formula to fund LEA digital teaching and learning programs;
 - (g) in consultation with UETN, an inventory of the state public education system's current technology resources and other items and a plan to integrate those resources into a digital teaching and learning program;
 - (h) an ongoing evaluation process that is overseen by the board;
 - (i) proposed rules that incorporate the principles of the master plan into the state's public education system as a whole; and
 - (j) a plan to ensure long-term sustainability that:
 - (i) accounts for the financial impacts of a digital teaching and learning program; and
 - (ii) facilitates the redirection of LEA savings that arise from implementing a digital teaching and learning program.
- (4) UETN shall:
- (a) in consultation with the board, conduct an inventory of the state public education system's current technology resources and other items as determined by UETN, including software;
 - (b) perform an engineering study to determine the technology infrastructure needs of the public education system to implement a digital teaching and learning program, including the infrastructure needed for the board, UETN, and LEAs; and
 - (c) as funding allows, provide infrastructure and technology support for school districts and charter schools.
- (5) On or before December 1, 2015, the board and UETN shall present the funding proposal for a statewide digital teaching and learning program described in Subsection (2) to the Education Interim Committee and the Executive Appropriations Committee, including:
- (a) the board's progress on the development of a master plan described in Subsection (3); and
 - (b) the progress of UETN on the inventory and study described in Subsection (4).

Renumbered and Amended by Chapter 318, 2016 General Session

53A-1-1504 Readiness assessments.

Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school within an LEA, shall annually complete a digital readiness assessment.

Enacted by Chapter 318, 2016 General Session

53A-1-1505 Digital Teaching and Learning Grant Program -- Board duties -- Advisory committee -- LEA plan requirements.

- (1) There is created the Digital Teaching and Learning Grant Program to improve educational outcomes in public schools by effectively incorporating comprehensive digital teaching and learning technology.
- (2) The board shall:
 - (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules for the administration of the program, including rules requiring:
 - (i) an LEA plan to include measures to ensure that the LEA monitors and implements technology with best practices, including the recommended use for effectiveness;
 - (ii) an LEA plan to include robust goals for learning outcomes and appropriate measurements of goal achievement;

- (iii) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a combination of grant and local funds; and
 - (iv) an LEA to report on funds from expenses previous to the implementation of the LEA plan that the LEA has redirected after implementation;
 - (b) establish an advisory committee to make recommendations on the program and LEA plan requirements and report to the board; and
 - (c) in accordance with this part, approve LEA plans and award grants.
- (3)
- (a) The board shall, subject to legislative appropriations, award a grant to an LEA:
 - (i) that submits an LEA plan that meets the requirements described in Subsection (4); and
 - (ii) for which the LEA's leadership and management members have completed a digital teaching and learning leadership and implementation training as provided in Subsection (3)(b).
 - (b) The board or its designee shall provide the training described in Subsection (3)(a)(ii).
- (4) The board shall establish requirements of an LEA plan that shall include:
- (a) the results of the LEA's digital readiness assessment and a proposal to remedy an obstacle to implementation or other issues identified in the assessment;
 - (b) a proposal to provide high quality professional learning for educators in the use of digital teaching and learning technology;
 - (c) a proposal for leadership training and management restructuring, if necessary, for successful implementation;
 - (d) clearly identified targets for improved student achievement, student learning, and college readiness through digital teaching and learning; and
 - (e) any other requirement established by the board in rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application process and metrics to analyze the quality of a proposed LEA plan.
- (5) The board or the board's designee shall establish an interactive dashboard available to each LEA that is awarded a grant for the LEA to track and report the LEA's long-term, intermediate, and direct outcomes in realtime and for the LEA to use to create customized reports.
- (6)
- (a) There is no federal funding, federal requirement, federal education agreement, or national program included or related to this state adopted program.
 - (b) Any inclusion of federal funding, federal requirement, federal education agreement, or national program shall require separate express approval as provided in Title 53A, Chapter 1, Part 9, Implementing Federal or National Education Program Act.

Enacted by Chapter 318, 2016 General Session

53A-1-1506 Implementation assessment -- Board intervention.

- (1)
- (a) An LEA that receives a grant as provided in Section 53A-1-1505 shall:
 - (i) subject to Subsection (1)(b), complete an implementation assessment for each year that the LEA is expending grant money; and
 - (ii)
 - (A) report the findings of the implementation assessment to the board; and
 - (B) submit to the board a plan to resolve issues raised in the implementation assessment.
 - (b) Each school within the LEA shall:
 - (i) complete an implementation assessment; and

- (ii) submit a compilation report that meets the requirements described in Subsections (1)(a)(ii) (A) and (B).
- (2) The board or the board's designee shall review an implementation assessment and review each participating LEA's progress from the previous year, as applicable.
- (3) The board shall establish interventions for an LEA that does not make progress on implementation of the LEA's implementation plan, including:
 - (a) nonrenewal of, or time period extensions for, the LEA's grant;
 - (b) reduction of funds; or
 - (c) other interventions to assist the LEA.

Enacted by Chapter 318, 2016 General Session

53A-1-1507 Procurement -- Independent evaluator.

- (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall contract with an independent evaluator to:
 - (a) annually evaluate statewide direct and intermediate outcomes beginning the first year that grants are awarded, including baseline data collection for long-term outcomes;
 - (b) in the fourth year after a grant is awarded, and each year thereafter, evaluate statewide long-term outcomes; and
 - (c) report on the information described in Subsections (1)(a) and (b) to the board.
- (2)
 - (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, or other agreement with one or more providers of technology powered learning solutions and one or more providers of wireless networking solutions may be entered into by:
 - (i) UETN, in cooperation with or on behalf of, as applicable, the board, the board's designee, or an LEA; or
 - (ii) an LEA.
 - (b) A contract or agreement entered into under Subsection (2)(a) may be a contract or agreement which:
 - (i) UETN enters into with a provider and payment for services is directly appropriated by the Legislature, as funds are available, to UETN;
 - (ii) UETN enters into with a provider and pays for the provider's services and is reimbursed for payments by an LEA that benefits from the services;
 - (iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or agreement directly with the provider and the LEA pays directly for the provider's services; or
 - (iv) an LEA enters into directly, pays a provider, and receives preapproved reimbursement from a UETN fund established for this purpose.
 - (c) If an LEA does not reimburse UETN in a reasonable time for services received under a contract or agreement described in Subsection (2)(b), the board shall pay the balance due to UETN from the LEA's funds received under Chapter 17a, Part 1, Minimum School Program.
 - (d) If UETN negotiates or enters into an agreement as described in Subsection (2)(b)(ii) or (2)(b)(iii), and UETN enters into an additional agreement with an LEA that is associated with the agreement described in Subsection (2)(b)(ii) or (2)(b)(iii), the associated agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is defined in Section 63G-6a-103, regardless of whether the associated agreement satisfies the requirements of Section 63G-6a-2105.

Enacted by Chapter 318, 2016 General Session