

1 **STRATEGIC PLANNING FOR PUBLIC**
2 **EDUCATION AMENDMENTS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: David H. Steele**

6 AN ACT RELATING TO PUBLIC EDUCATION; MODIFYING AND UPDATING
7 PROVISIONS DEALING WITH STRATEGIC PLANNING FOR THE STATE'S PUBLIC
8 EDUCATION SYSTEM; MAKING CERTAIN TECHNICAL CHANGES; AND PROVIDING
9 A REPEALER.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **53A-1a-102 (Repealed 06/30/02)**, as repealed and reenacted by Chapter 318, Laws of
13 Utah 1999

14 **53A-1a-104**, as enacted by Chapter 47, Laws of Utah 1992

15 **53A-1a-105**, as last amended by Chapter 340, Laws of Utah 1996

16 **53A-1a-106**, as last amended by Chapter 310, Laws of Utah 1997

17 **53A-1a-108**, as last amended by Chapter 12, Laws of Utah 1996

18 **53A-1a-109**, as last amended by Chapter 61, Laws of Utah 1996

19 **53A-1a-201**, as last amended by Chapter 318, Laws of Utah 1999

20 **53A-16-101.5**, as enacted by Chapter 376, Laws of Utah 1999

21 **63-55-253**, as last amended by Chapters 15, 134 and 375, Laws of Utah 1997

22 REPEALS:

23 **53A-1a-303.5**, as last amended by Chapter 10, Laws of Utah 1997

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

25 Section 1. Section **53A-1a-102 (Repealed 06/30/02)** is amended to read:

26 **53A-1a-102 (Repealed 06/30/02). Education Strategic Plans -- Content -- Involvement**
27 **of Strategic Planning Committee for Public and Higher Education.**

- 28 (1) The State Board of Education and State Board of Regents shall:
- 29 (a) ~~[have]~~ conduct ongoing strategic planning for their respective education systems; and
- 30 (b) prepare a written strategic plan for their respective systems every three years.
- 31 (2) (a) The State Board of Regents shall complete its first written plan by September 1,
- 32 1999, and complete subsequent plans by September 1 in each third year.
- 33 (b) The State Board of Education shall complete its first written plan by September 1,
- 34 2000, and complete subsequent plans by September 1 in each third year.
- 35 (3) (a) ~~[The boards]~~ Each board shall submit a copy of each written plan in the appropriate
- 36 year to the Strategic Planning for Public and Higher Education Committee and the Utah Tomorrow
- 37 Strategic Planning Committee.
- 38 (b) The Strategic Planning for Public and Higher Education Committee shall submit a copy
- 39 of each plan to the Legislature as part of its annual report required under Section 53A-1a-202.
- 40 (4) Each strategic plan shall include at least the following components:
- 41 (a) the respective education system's mission;
- 42 (b) system goals that address issues critical for accomplishing the mission;
- 43 (c) the objectives to be accomplished during the years following submission of the
- 44 strategic plan;
- 45 (d) action plans specifying the means of accomplishing the goals and objectives, including
- 46 proposed statutes, policies, programs, and initiatives; and
- 47 (e) performance measures required to report on the accomplishment of goals and
- 48 objectives and the implementation and outcomes of action plans.
- 49 Section 2. Section **53A-1a-104** is amended to read:
- 50 **53A-1a-104. Characteristics of public education system.**
- 51 ~~[It is the intent of the]~~ The Legislature ~~[to]~~ shall assist in maintaining a public education
- 52 system that has the following characteristics:
- 53 (1) assumes that all students have the ability to learn and that each student departing the
- 54 system will be prepared to achieve success in productive employment, further education, or both;
- 55 (2) provides a personalized education plan or personalized education occupation plan for
- 56 each student, which involves the student, the student's parent or guardian, and school personnel
- 57 in establishing the plan;
- 58 (3) provides students with the knowledge and skills to take responsibility for their

59 decisions and to make appropriate choices;

60 (4) [~~assures~~] provides opportunities for students to exhibit the capacity to learn, think,
61 reason, and work effectively, individually and in groups;

62 (5) offers a world-class curriculum that enables students to successfully compete in a
63 global society, and to succeed as citizens of a ~~§ [participatory democracy]~~ CONSTITUTIONAL REPUBLIC § ;

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

66 (7) attracts and retains excellent teachers for every classroom and provides recognition,
67 rewards, and compensation for their excellence;

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

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

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

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

76 (12) emphasizes the involvement of educators, parents, and the community at large in the
77 educational process by allowing them to be involved in establishing and implementing educational
78 goals and participating in decision-making at the school site.

79 Section 3. Section **53A-1a-105** is amended to read:

80 **53A-1a-105. Parental participation in educational process -- Employer support.**

81 (1) The Legislature recognizes the importance of parental participation in the educational
82 process in order for students to achieve and maintain high levels of performance.

83 (2) It is, therefore, the policy of the state to:

84 (a) [~~expect that~~] encourage parents [~~shall~~] to provide a home environment that values
85 education and send their children to school prepared to learn;

86 (b) rely upon school districts and schools to provide opportunities for parents of students
87 to be involved in establishing and implementing educational goals for their respective schools and
88 students; and

89 (c) expect employers to recognize the need for parents and members of the community to

90 participate in the public education system in order to help students achieve and maintain
 91 excellence[~~;~~and].

92 [~~(d) have the State Board of Education, local school boards, school community councils,~~
 93 ~~and school directors work with employers to develop policies and programs that would allow~~
 94 ~~employees opportunities for greater participation in the public education system during school~~
 95 ~~hours.]~~

96 (3) (a) Each local school board shall adopt a policy on parental involvement in the schools
 97 of the district.

98 (b) The board shall design its policy to build consistent and effective communication
 99 [~~between~~] among parents [~~of students enrolled in the district and the~~], teachers, and administrators
 100 [~~assigned to their children's schools~~].

101 (c) The policy shall provide parents with the opportunity to be actively involved in their
 102 children's education and to be informed of:

103 (i) the importance of the involvement of parents in directly affecting the success of their
 104 children's educational efforts; and

105 (ii) groups and organizations that may provide instruction and training to parents to help
 106 improve their children's academic success and support their academic efforts.

107 Section 4. Section **53A-1a-106** is amended to read:

108 **53A-1a-106. School district and individual school powers.**

109 (1) In order to acquire and develop the characteristics listed in Section 53A-1a-104, each
 110 school district and each public school within its respective district shall implement § [~~as funded by~~
 111 ~~the Legislature~~] § a comprehensive system of accountability in which students advance through
 112 public schools by demonstrating competency in required skills and mastery of required knowledge
 113 through the use of diverse assessment instruments such as authentic and criterion referenced tests,
 114 projects, and portfolios.

115 (2) (a) Each school district and public school [~~is authorized and encouraged to do the~~
 116 ~~following~~] shall:

117 (i) develop and implement programs integrating technology into the curriculum,
 118 instruction, and student assessment;

119 (ii) [~~increase~~] provide for teacher and parent involvement in § [~~decision~~] **POLICY** § -making
 119a at the school
 120 site;

121 (iii) implement a public school choice program to give parents, students, and teachers
122 greater flexibility in designing and choosing among programs with different focuses [~~between~~
123 through schools within the same district and [~~between different~~ other districts, subject to space
124 availability, demographics, and legal and performance criteria;

125 (iv) establish strategic planning at both the district and school level and site-based decision
126 making programs at the school level;

127 (v) provide opportunities for each student to acquire and develop academic and
128 occupational knowledge, skills, and abilities;

129 (vi) participate in ongoing research and development projects primarily at the school level
130 aimed at improving the quality of education within the system; and

131 (vii) involve business and industry in the education process through the establishment of
132 partnerships with the business community at the district and school level.

133 (b) (i) Each school district, in consultation with its teachers, school community councils
134 or similar entities, and the State Board of Education, shall establish policies to provide for the
135 effective implementation of a personalized student education plan (SEP) or student
136 education/occupation plan (SEOP) for each student at the school site.

137 (ii) The policies shall include guidelines and expectations for:

138 (A) [~~for~~] recognizing the student's accomplishments and strengths;

139 (B) [~~for~~] planning, monitoring, and managing education and career development;

140 (C) [~~for~~] an on-going partnership involving students, parents, and school personnel in the
141 process, to include at least two annual SEP conferences at the elementary level, involving the
142 student, the student's parent or guardian, and school personnel, and at least one individual SEOP
143 conference held annually in grades 7-11, with an optional conference in grade 12, involving the
144 student, the student's parent or guardian, and school personnel, and at least one small group SEOP
145 conference in grade 12 and at least one small group SEOP conference in grade 7 or 8 and 9 or 10
146 involving the student, the student's parent or guardian, and school personnel; [~~and~~]

147 (D) ensuring that SEP and SEOP conferences are held in compliance with applicable rules
148 of the State Board of Education and do not result in significant loss of class time for students; and

149 [~~(D) for~~] (E) identifying and obtaining adequate resources, such as time and training,
150 required for a successful program.

151 (iii) (A) The State Board of Education shall provide guidelines, after receiving input from

152 local school boards, as to what constitutes the makeup of a small group SEOP.

153 (B) Nothing in Subsection (2)(b) prevents parents or guardians from having additional
154 conferences with school personnel on matters related to their students.

155 (iv) Time spent during the school day to implement SEPs and SEOPs is considered part
156 of the school term referred to in Subsection 53A-17a-103(5).

157 (3) A school district or public school may submit proposals to modify or waive rules or
158 policies of a supervisory authority within the public education system in order to acquire or
159 develop the characteristics listed in Section 53A-1a-104.

160 (4) (a) Each school district and public school shall make an annual report to its patrons on
161 its activities under this section.

162 (b) The reporting process shall involve participation from teachers, parents, and the
163 community at large in determining how well the district or school is performing.

164 (c) The State Board of Education shall receive a copy of each report and make a summary
165 report to the strategic planning committee referred to in Section 53A-1a-102.

166 Section 5. Section **53A-1a-108** is amended to read:

167 **53A-1a-108. School community councils authorized -- Composition.**

168 (1) ~~h (a) h~~ Each public school, in consultation with its ~~h [school district]~~ **LOCAL SCHOOL**
168a **BOARD h** , ~~[is authorized and~~
169 ~~encouraged to]~~ **shall** establish a school community council at the school building level to ~~h [help] h~~
169a ~~[:]~~

170 ~~h [develop] h [:] h [and maintain schools that have the characteristics listed in Section 53A-1a-104.]~~

170a **IMPROVE STUDENT ACHIEVEMENT BY DEVELOPING A PLAN TO INCLUDE:**

170b **(i) THE SCHOOL'S IDENTIFIED MOST CRITICAL ACADEMIC NEEDS;**

170c **(ii) A RECOMMENDED COURSE OF ACTION TO MEET THE IDENTIFIED ACADEMIC NEEDS;**

170d **(iii) A SPECIFIC LISTING OF ANY PROGRAMS, PRACTICES, MATERIALS, OR EQUIPMENT**

170e **THAT THE SCHOOL WILL NEED TO IMPLEMENT ITS ACTION PLAN TO HAVE A DIRECT IMPACT ON**

170f **THE INSTRUCTION OF STUDENTS AND RESULT IN MEASURABLE INCREASED STUDENT**

170g **PERFORMANCE; AND**

170h **(iv) HOW THE SCHOOL INTENDS TO ENHANCE OR IMPROVE ACADEMIC EXCELLENCE AT**

170i **THE SCHOOL.**

170j **(b) THE SCHOOL MAY DEVELOP A MULTIYEAR PLAN, BUT THE PLAN MUST BE**

170k **PRESENTED AND APPROVED ANNUALLY BY THE LOCAL SCHOOL BOARD OF THE DISTRICT IN**

170l **WHICH THE SCHOOL IS LOCATED.**

170m **(c) THE SCHOOL SHALL:**

170n **(i) IMPLEMENT THE PLAN AS DEVELOPED BY THE COUNCIL AND APPROVED BY THE**

170o **LOCAL BOARD; h**

170p h (ii) PROVIDE ONGOING SUPPORT FOR THE COUNCIL'S PLAN;
 170q (iii) MEET SCHOOL BOARD REPORTING REQUIREMENTS REGARDING PERFORMANCE
AND
 170r ACCOUNTABILITY;
 170s (iv) PUBLICIZE TO ITS PATRONS AND THE GENERAL PUBLIC ITS PLAN TO ENHANCE OR
 170t IMPROVE ACADEMIC EXCELLENCE AT THE SCHOOL, INCLUDING THE RESULTS OF THOSE
 170u EFFORTS; AND
 170v (v) THROUGH ITS COUNCIL PREPARE AND PRESENT AN ANNUAL REPORT TO ITS LOCAL
 170w SCHOOL BOARD AT THE END OF THE SCHOOL YEAR. h
 171 (2) (a) Each council h ~~[should include in its membership classroom teachers, classified~~
 172 ~~employees, the school principal or the principal's designee, parents of students, members from the~~
 173 ~~community at large and, where appropriate, students.] SHALL CONSIST OF SCHOOL EMPLOYEES,~~
 173a THE SCHOOL'S PRINCIPAL, AND PARENTS OR GUARDIANS OF STUDENTS WHO ARE ATTENDING
 173b THE SCHOOL, EXCEPT FOR PARENTS WHO ARE EMPLOYED AT THE SCHOOL.
 173c (b) EACH EMPLOYEE MEMBER SHALL BE ELECTED BY A MAJORITY VOTE OF THE
 173d EMPLOYEES AND SERVES A TWO-YEAR TERM.
 173e (c) (i) EACH PARENT MEMBER SHALL BE ELECTED AT AN ELECTION HELD AT THE
 173f SCHOOL BY A MAJORITY VOTE OF THOSE VOTING AT THE ELECTION AND SERVES A TWO-YEAR
 173g TERM.
 173h (ii) ONLY PARENTS OR GUARDIANS OF STUDENTS ATTENDING THE SCHOOL MAY VOTE
 173i AT THE ELECTION UNDER SUBSECTION (2)(c)(i).
 173j (d) WRITTEN NOTICE OF THE ELECTIONS HELD UNDER SUBSECTIONS (2)(b) AND (c)
 173k SHALL BE GIVEN AT LEAST TWO WEEKS PRIOR TO THE ELECTIONS.
 173l (e) COUNCIL MEMBERS MAY SERVE UP TO THREE SUCCESSIVE TERMS.
 173m (f) INITIAL TERMS SHALL BE STAGGERED SO THAT NO MORE THAN 50% OF THE COUNCIL
 173n MEMBERS STAND FOR ELECTION IN ANY ONE YEAR.
 173o (g) THE PRINCIPAL MAY APPOINT COUNCIL MEMBERS IF EMPLOYEES OR PARENTS DO
 173p NOT REQUEST AN ELECTION FOR THEIR RESPECTIVE GROUPS. h

174 h ~~(fb)~~ (h) h The number of parent h [and community] h members shall equal the number of
 174a1 h [teachers
 174a and
 175 classified employees] SCHOOL EMPLOYEES h who serve on the h [committee] COUNCIL, NOT
 175a COUNTING THE PRINCIPAL h .

176 Section 6. Section 53A-1a-109 is amended to read:

177 **53A-1a-109. Annual review and reports.**

178 (1) The Legislature recognizes that the mission of public education shall be accomplished
 179 by implementing the strategies and achieving the objectives outlined in the ~~[Task Force on]~~
 180 Strategic Planning for Public and Higher ~~[Education's]~~ Education Committee's Utah State Public
 181 Education Strategic Plan.

182 (2) The Legislature, the State Board of Education, each school district, and each public

183 school or school community council shall annually review and report its progress towards
 184 achieving the mission and objectives outlined in the strategic plan document referred to in
 185 Subsection (1).

186 (3) (a) Modifications may be made if necessary to accomplish the mission of public
 187 education as stated in the strategic plan.

188 (b) Any modifications or changes shall be reported to the [~~education strategic planning~~]
 189 committee [~~referred to in Section 53A-1a-102~~].

190 (4) (a) The reporting requirement for the Legislature may be satisfied through the strategic
 191 planning committee referred to in Section 53A-1a-102 or through the Legislature's education
 192 interim, standing, or appropriations committees.

193 (b) The reporting requirement for the State Board of Education under this part may be
 194 satisfied in the annual report to the governor and the Legislature required in Section 53A-1-301.

195 (c) The reporting requirement for school districts and schools or school community
 196 councils may be satisfied in the school district performance report required in Section 53A-3-602.

197 Section 7. Section **53A-1a-201** is amended to read:

198 **53A-1a-201. Strategic Planning for Public and Higher Education Committee --**
 199 **Membership -- Quorum -- Termination date.**

200 (1) There is created a Strategic Planning for Public and Higher Education Committee.

201 (2) The committee shall consist of the following members:

202 (a) three members of the Senate appointed by the president of the Senate, no more than
 203 two of whom may be from the same political party;

204 (b) three members of the House of Representatives appointed by the speaker of the House
 205 of Representatives, no more than two of whom may be from the same political party;

206 (c) the governor's designee;

207 (d) [~~one member shall be~~] the state superintendent of public instruction or the
 208 superintendent's designee;

209 (e) [~~one member shall be~~] the commissioner of higher education or the commissioner's
 210 designee;

211 (f) [~~one member shall be~~] a member of the State Board of Education appointed by the
 212 governor in consultation with the board;

213 (g) [~~one member shall be~~] a member of the State Board of Regents appointed by the

214 governor in consultation with the board; and

215 (h) 14 members appointed jointly by the governor, the state superintendent of public
216 instruction, and the commissioner of higher education.

217 (3) The 14 members appointed under Subsection (2)(h) shall be men and women who:

218 (a) are representative of the interests of public and higher education;

219 (b) are selected from nominees submitted by community-based organizations of
220 demonstrated effectiveness and other nominees, such as teachers and faculty, school
221 administrators, and local school or institutional board members; and

222 (c) reflect or represent:

223 (i) diverse racial, ethnic, limited English proficiency, Indian tribe, and national origin
224 backgrounds that are found in the state's student population;

225 (ii) low-income families;

226 (iii) persons with disabilities; and

227 (iv) business and labor.

228 (4) (a) The president of the Senate shall designate a Senate cochair for the committee.

229 (b) The speaker of the House of Representatives shall designate a House cochair for the
230 committee.

231 (5) If a member cannot continue to serve on the committee for any reason, a replacement
232 shall be chosen by the authority that made the original appointment.

233 (6) A majority of the committee is a quorum for the transaction of business.

234 (7) (a) The committee may create public education and higher education subcommittees
235 to focus on specific issues within their respective systems as well as on issues that overlap both
236 systems.

237 (b) The committee members who serve on a subcommittee may, by majority vote, expand
238 the membership of the subcommittee but not the membership of the committee.

239 (c) Those invited to serve on a subcommittee who are not members of the committee shall
240 serve without compensation.

241 ~~[(8) The committee shall terminate on June 30, 2002, unless reauthorized by the~~
242 ~~Legislature.]~~

243 Section 8. Section **53A-16-101.5** is amended to read:

244 **53A-16-101.5. School LAND Trust Account -- Contents -- Purpose -- Distribution**

245 **of funds -- School plans for use of funds.**

246 (1) (a) There is established a School LAND Trust Program for the state's public schools
247 to enhance student academic performance and improve educational excellence.

248 (b) As used in this section, "academic or educational excellence" means student
249 performance in acquiring and mastering skills in the required state school curriculum.

250 (2) The program shall be funded from that portion of the Uniform School Fund consisting
251 of all the interest and dividends on the State School Fund remaining after the deduction of the
252 amount retained in the State School Fund to protect the fund against losses due to inflation as
253 prescribed by the Utah Constitution Article X, Section 5.

254 (3) (a) The State Board of Education shall allocate all the monies referred to in Subsection
255 (2) annually for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter as
256 follows:

257 (i) school districts shall receive 10% of the funds on an equal basis; and

258 (ii) the remaining 90% of the funds shall be distributed on a per student basis, with each
259 district receiving its allocation on the number of students in the district as compared to the state
260 total.

261 (c) Each school district shall distribute its allocation under Subsection (3)(a) to each school
262 within the district on an equal per student basis.

263 (d) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
264 board may make rules regarding the time and manner in which the student count shall be made for
265 allocation of the monies.

266 (4) ~~[(a)]~~ In order to receive its allocation under Subsection (3), each school shall ~~[establish]~~
267 have established a local school ~~[committee by October 1, 1999. (b) The committee shall consist]~~
268 community council under Section 53A-1a-108 or a designated subcommittee of the council
269 consisting of seven members:

270 ~~[(i)]~~ (a) the school's principal;

271 ~~[(ii)]~~ (b) two teachers appointed by the faculty at the school; and

272 ~~[(iii)]~~ (c) four parents selected by the parents of students at the school and representing
273 various grade levels at the school, one of whom shall be the school's PTA president if the school
274 has one.

275 ~~[(c) The school may use its directors under Subsections 53A-1a-301(3) or~~

276 ~~53A-1a-303.5(4)(a) or its community council under Section 53A-1a-108 to fill the requirements~~
277 ~~of Subsections (4)(a) and (b).]~~

278 (5) (a) The [~~committee~~] community council or its subcommittee shall develop a plan to
279 include:

280 (i) the school's identified most critical academic needs;

281 (ii) a recommended course of action to meet the identified academic needs;

282 (iii) a specific listing of any programs, practices, materials, or equipment which the school
283 will need to implement its action plan to have a direct impact on the instruction of students and
284 result in measurable increased student performance; and

285 (iv) how the school intends to spend its allocation of funds under this section to enhance
286 or improve academic excellence at the school.

287 (b) The school may develop a multiyear plan, but the plan must be presented and approved
288 by the local school board of the district in which the school is located annually and as a
289 prerequisite to receiving funds allocated under this section.

290 (6) (a) Each school shall:

291 (i) implement the plan as developed by the [~~committee~~] council or its subcommittee and
292 approved by the local school board;

293 (ii) provide ongoing support for the [~~committee's~~] council's or its subcommittee's plan;

294 (iii) meet school board reporting requirements regarding financial and performance
295 accountability; and

296 (iv) publicize to its patrons and the general public on how the funds it received under this
297 section were used to enhance or improve academic excellence at the school, including the results
298 of those efforts.

299 (b) (i) Each school through its [~~committee~~] council or its subcommittee shall prepare and
300 present an annual report to its local school board at the end of the school year.

301 (ii) The report shall detail the use of funds received by the school under this section and
302 an assessment of the results obtained from the use of the funds.

303 Section 9. Section **63-55-253** is amended to read:

304 **63-55-253. Repeal dates, Titles 53A, 53B.**

305 The following provisions of Title 53A are repealed on the following dates:

306 (1) Title 53A, Chapter 1a, Part 2, Strategic Planning for Public and Higher Education

307 Committee is repealed July 1, 2002.

308 [~~(1)~~] (2) The State Textbook Commission, created in Section 53A-14-101, is repealed July
309 1, 2001.

310 [~~(2)~~] (3) Title 53A, Chapter 20a, Public Education Revenue Bond Act, is repealed July 1,
311 2007.

312 Section 10. **Repealer.**

313 This act repeals:

314 Section **53A-1a-303.5, Modified program.**

315 Section 11. **Repeal date.**

316 Section 53A-1a-303.5 is repealed June 30, 2000.

Legislative Review Note
as of 11-24-99 9:27 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Education Interim Committee recommended this bill.