

STUDENT EDUCATION PLANS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Merlynn T. Newbold

This act modifies provisions related to the State System of Public Education by eliminating certain requirements pertaining to the preparation and implementation of student education plans and student education/occupation plans.

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

AMENDS:

53A-1a-106, as last amended by Chapter 59, Laws of Utah 2000

53A-1a-107, as last amended by Chapter 86, Laws of Utah 2001

53A-3-402.9, as last amended by Chapter 86, Laws of Utah 2001

53A-15-101, as last amended by Chapters 105 and 312, Laws of Utah 1996

53A-15-103, as enacted by Chapter 115, Laws of Utah 1997

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

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

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

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

(2) (a) Each school district and public school shall:

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

(ii) provide for teacher and parent involvement in policymaking at the school site;



28 (iii) implement a public school choice program to give parents, students, and teachers
29 greater flexibility in designing and choosing among programs with different focuses through
30 schools within the same district and other districts, subject to space availability, demographics, and
31 legal and performance criteria;

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

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

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

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

40 (b) (i) Each local school ~~[district]~~ board, in consultation with ~~[its teachers,]~~ school
41 personnel and school community councils or similar entities~~[-and the State Board of Education,]~~
42 shall establish policies to provide for the effective implementation of a personalized student
43 education plan (SEP) or student education/occupation plan (SEOP) for each student at the school
44 site.

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

46 (A) recognizing the student's accomplishments and strengths;

47 (B) planning, monitoring, and managing education and career development; and

48 (C) ~~[an on-going partnership]~~ involving students, parents, and school personnel in ~~[the~~
49 ~~process, to include at least two annual SEP conferences at the elementary level, involving the~~
50 ~~student, the student's parent or guardian, and school personnel, and at least one individual SEOP~~
51 ~~conference held annually in grades 7-11, with an optional conference in grade 12, involving the~~
52 ~~student, the student's parent or guardian, and school personnel, and at least one small group SEOP~~
53 ~~conference in grade 12 and at least one small group SEOP conference in grade 7 or 8 and 9 or 10~~
54 ~~involving the student, the student's parent or guardian, and school personnel;]~~ preparing and
55 implementing SEPs and SEOPs.

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

58 ~~[(E) identifying and obtaining adequate resources, such as time and training, required for~~

59 a successful program.]

60 ~~[(iii) (A) The State Board of Education shall provide guidelines, after receiving input from~~
61 ~~local school boards, as to what constitutes the makeup of a small group SEOP.]~~

62 ~~[(B) Nothing in Subsection (2)(b) prevents parents or guardians from having additional~~
63 ~~conferences with school personnel on matters related to their students.]~~

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

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

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

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

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

75 Section 2. Section **53A-1a-107** is amended to read:

76 **53A-1a-107. State Board of Education assistance to districts and schools.**

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

79 (a) provide the framework for an education system, including core competencies and their
80 assessment, in which school districts and public schools permit students to advance by
81 demonstrating competency in subject matter and mastery of skills;

82 ~~[(b) assist school districts in establishing policies for the effective implementation of~~
83 ~~student education plans and student education/occupation plans required under Subsection~~
84 ~~53A-1a-106(2)(b);]~~

85 ~~[(c)]~~ (b) develop and disseminate a state model curriculum, structured to incorporate the
86 concepts of quality versus quantity, depth versus breadth, subject integration and application,
87 applied thinking skills, character development, and a global prospective, which districts and
88 schools may use to assist teachers in helping students acquire the competencies and skills required
89 to advance through the public education system, and periodically review and, if appropriate, revise

90 the curriculum;

91 ~~[(d)]~~ (c) conduct a statewide public awareness program on competency-based educational
92 systems;

93 ~~[(e)]~~ (d) compile and publish, for the state as a whole, a set of educational performance
94 indicators describing trends in student performance;

95 ~~[(f)]~~ (e) promote a public education climate of high expectations and academic excellence;

96 ~~[(g)]~~ (f) disseminate successful site-based decision-making models to districts and schools
97 and provide teacher professional development opportunities and evaluation programs for site-based
98 plans consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b);

99 ~~[(h)]~~ (g) provide a mechanism for widespread dissemination of information about strategic
100 planning for public education, including involvement of business and industry in the education
101 process, in order to ensure the understanding and support of all the individuals and groups
102 concerned with the mission of public education as outlined in Section 53A-1a-103;

103 ~~[(i)]~~ (h) provide for a research and development clearing house at the state level to receive
104 and share with school districts and public schools information on effective and innovative practices
105 and programs in education;

106 ~~[(j)]~~ (i) help school districts develop and implement guidelines, strategies, and professional
107 development programs for administrators and teachers consistent with Subsections 53A-1a-104(7)
108 and 53A-6-102(2)(a) and (b) focused on improving interaction with parents and promoting greater
109 parental involvement in the public schools; and

110 ~~[(k)]~~ (j) in concert with the State Board of Regents and the state's colleges of education
111 review and revise teacher licensing requirements to be consistent with teacher preparation for
112 participation in personalized education programs within the public schools.

113 (2) (a) The board shall make an annual report to the Legislature on its activities under this
114 section.

115 (b) The reporting process shall involve participation from school districts and schools in
116 helping to evaluate how well the board has assisted the schools and school districts.

117 Section 3. Section **53A-3-402.9** is amended to read:

118 **53A-3-402.9. Assessment of emerging and early reading skills -- Resources provided**
119 **by school districts.**

120 (1) The Legislature recognizes that well-developed reading skills help:

121 (a) children to succeed in school, develop self esteem, and build positive relationships with
122 others;

123 (b) young adults to become independent learners; and

124 (c) adults to become and remain productive members of a rapidly changing
125 technology-based society.

126 (2) (a) [~~Therefore, as part of a kindergarten student's first student education plan, the~~] Each
127 kindergarten student, the student's parent or guardian, [~~the student,~~] and kindergarten personnel
128 at the student's school shall participate in an assessment of the student's reading and numeric skills.

129 (b) The assessment shall take place no later than during the first two weeks of the school
130 year.

131 (c) The State Office of Education, in cooperation with the state's school districts, shall
132 develop the assessment instrument and any additional materials needed to implement and
133 supplement the assessment program.

134 (3) The kindergarten student's teacher shall use the assessment in planning and developing
135 an instructional program to meet the student's identified needs.

136 (4) Based on the assessment under Subsection (2), the school shall provide the student's
137 parent or guardian with appropriate resource materials to assist them at home in the student's
138 literacy development.

139 (5) The State Office of Education shall collect, review, and provide to school districts the
140 assessment data generated under Subsection (2) in order to:

141 (a) provide information to develop a personalized instructional program based on student
142 needs;

143 (b) improve teacher professional development and preservice programs and strategies that
144 are consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b) and related to
145 teaching reading and numeric skills; and

146 (c) evaluate the effectiveness of reading readiness for students entering the first grade.

147 (6) In conjunction with the assessment program established under this section, school
148 districts shall annually evaluate the need to use part of their Title 1 funds for preschool literacy
149 programs.

150 Section 4. Section **53A-15-101** is amended to read:

151 **53A-15-101. Higher education courses in the public schools -- Cooperation between**

152 **public and higher education -- Annual report.**

153 (1) The State Board of Education in collaboration with the State Board of Regents shall
154 implement:

155 (a) a curriculum program and delivery system which allows students the option to
156 complete high school graduation requirements and prepares them to meet college admission
157 requirements at the conclusion of the eleventh grade, but does not preclude a student involved in
158 accelerated learning programs from graduating at an earlier time;

159 (b) a program of selected college credit courses in general and applied technology
160 education which would be made available in cooperation with the State Board of Regents, as
161 resources allow, through concurrent enrollment with one or more of the state's institutions of
162 higher education;

163 (c) a course of study for a student who decides to continue on through the twelfth grade
164 that would allow the student to take courses necessary to graduate from high school, and at the
165 student's option, to become better prepared for the world of work, or complete selected college
166 level courses corresponding to the first year of course work at a university, college, or community
167 college in the state system of higher education; and

168 (d) a program for advanced placement which permits students to earn high school credits
169 while qualifying to take advanced placement examinations for college credit[~~and~~].

170 [~~(e) (i) a program for the preparation of a student education-occupation plan by each
171 student at the beginning of the ninth grade which focuses on the student's intent and course of
172 study necessary to complete graduation requirements while participating in one of the programs
173 listed in Subsections (a), (b), (c), and (d);]~~

174 [~~(ii) the student education-occupation plan shall be prepared by the student under the
175 guidance of the student's parent or guardian and school counselor and be consistent with the
176 policies established by school districts under Subsection 53A-1a-106(2)(b).]~~

177 (2) The delivery system and curriculum program shall be designed and implemented to
178 take full advantage of the most current available educational technology.

179 (3) The State Board of Regents shall adopt rules to ensure the following:

180 (a) early high school graduates who are academically prepared and meet college admission
181 requirements may be enrolled in one of the state's institutions of higher education;

182 (b) college credit courses are taught in high school concurrent enrollment or advanced

183 placement programs by college or university faculty or public school educators under the following
184 conditions:

185 (i) public school educators in concurrent enrollment programs must first be approved as
186 adjunct faculty and supervised by a state institution of higher education;

187 (ii) teaching is done through live classroom instruction or telecommunications; and

188 (iii) course content, procedures, and teaching materials in concurrent enrollment programs
189 are approved by the appropriate department or program at an institution of higher education in
190 order to ensure quality and comparability with courses offered on college and university campuses;
191 and

192 (c) college credits obtained under this section shall be accepted for transfer of credit
193 purposes as if they had been obtained at any public institution of higher education within the state
194 system.

195 (4) College-level courses taught in the high school carry the same credit hour value as
196 when taught on a college or university campus and apply toward graduation on the same basis as
197 courses taught at an institution of higher education to which the credits are submitted.

198 (5) The State Board of Education shall provide students in the public schools with the
199 option of accelerating their educational program and graduating at the conclusion of the eleventh
200 grade.

201 (6) (a) The State Board of Education and State Board of Regents shall work in close
202 cooperation in developing, implementing, and evaluating the program established under this
203 section.

204 (b) (i) Each high school shall receive its proportional share of concurrent enrollment
205 monies appropriated or allocated pursuant to Section 53A-17a-120 based upon the hours of higher
206 education course work undertaken by students at the school under Subsections (1)(b) and (1)(c)
207 as compared to the state total.

208 (ii) School districts shall contract with institutions of higher education to provide the
209 higher education services required under this section.

210 (iii) (A) Higher education tuition and fees may not be charged for participation in this
211 program, except that each institution within the state's higher education system may charge a
212 one-time per student per institution admissions application fee for concurrent enrollment course
213 credit offered by the institution.

214 (B) Payment of the fee under Subsection (6)(b)(iii)(A) satisfies the general admissions
215 application fee requirement for a full-time or part-time student at an institution so that no
216 additional admissions application fee may be charged by the institution.

217 (c) The two boards shall provide the Legislature and the governor with an annual report
218 on the effectiveness of the program with specific focus on the availability and use of counselors
219 in the ninth through eleventh grades to assist students and their parents in designing and
220 implementing effective student education plans.

221 Section 5. Section **53A-15-103** is amended to read:

222 **53A-15-103. Developmental program for extended school year -- Objectives --**
223 **Participation requirements -- Appropriation -- Evaluation.**

224 (1) In pursuit of educational excellence and consistent with the State Strategic Plan for
225 Public Education, there is established a developmental program for the implementation of an
226 extended school year program at selected secondary public schools.

227 (2) The objectives of the program are to:

228 (a) develop and implement an extended school year program for middle or junior high and
229 high school students;

230 (b) increase school building efficiency in better utilizing facilities by the addition of a
231 summer term of school;

232 (c) provide an optional term in the summer for voluntary enrollment in basic programs for
233 acceleration, enrichment, promotion, and remediation;

234 (d) increase attendance options by allowing students and their parents to choose which
235 terms the student will attend school during the school year, so long as the students attend a
236 required minimum number of days as determined by the State Board of Education under
237 ~~[Subsection]~~ Section 53A-17a-103~~(5)~~;

238 (e) provide teachers with opportunities for flexible contracts;

239 (f) provide a program in high school to enable students to complete at least the first year
240 of college at the high school site or at least one year of an applied technology apprenticeship
241 program or components of both;

242 (g) determine the effect of the extended school year on student discipline, extracurricular
243 activities, and family vacations; and

244 (h) provide a meaningful summer program for students.

245 (3) Participation in the program is voluntary and subject to the following requirements:

246 (a) a prepared plan for the development and implementation of a program by the applicant
247 school or school district that:

248 (i) includes competency based promotion or graduation components consistent with the
249 Utah Strategic Plan for Educational Excellence and the standards established under Section
250 53A-15-101;

251 (ii) provides for the transferability of credits from the middle school or junior high school
252 level to the high school level under an accelerated learning program; and

253 (iii) at the high school level, allows students to participate in the programs referred to in
254 Subsection (2)(f); and

255 [~~(b) verification that the school has an effective student education-occupation plan for each
256 student at the school; and]~~

257 [~~(c)~~] (b) a process for the development and implementation of procedures for teachers and
258 administrators at the applicant school to be able to waive or modify any state or district rules or
259 policies that would impede or interfere with the implementation of the extended school year
260 program, including a component for waivers relating to contracts or agreements between the
261 district and its employees, and requiring agreement to the waivers by the entity that represented
262 the employees in obtaining the contract or agreement.

263 (4) (a) The State Board of Education shall select the schools to participate in the
264 developmental program authorized under this section.

265 (b) The board, through the state superintendent of public instruction, shall establish
266 application deadlines for participation in the program.

267 (5) (a) The State Board of Education shall use experimental and developmental program
268 monies appropriated under Section 53A-17a-132 to implement the developmental program
269 authorized under this section.

270 (b) The board, through the state superintendent, shall administer and distribute the
271 appropriation in such a manner as to provide for participation by a junior high or middle school
272 that is a feeder school to a high school selected to participate in the program.

273 (c) (i) Participation in the program is limited to four consecutive years unless otherwise
274 reauthorized by the Legislature.

275 (ii) Unless otherwise approved by the state board, a participant school shall devote its first

276 year in the program to planning and development for full implementation of the program beginning
277 with summer sessions in 1998.

278 (d) (i) A participant school's funding in succeeding years shall be based, in part, on the
279 school's achievements in the previous year.

280 (ii) Participating high schools shall:

281 (A) collaborate with the state superintendent of public instruction to develop a funding
282 mechanism for the schools that takes into account the acceleration of students through the system
283 under the program; and

284 (B) present their findings to the Legislature's Education Interim Committee, together with
285 any proposal for legislation, prior to the 1998 Annual General Session.

286 (e) (i) Participant schools are encouraged to supplement their allocation of the
287 appropriation with monies they may have access to under other programs authorized in Title 53A,
288 such as centennial schools, modified centennial schools, and comprehensive guidance.

289 (ii) These experimental and developmental program monies under Subsection (5)(a) are
290 in addition to any other appropriations made under Title 53A for accelerated learning programs,
291 including concurrent enrollment and advanced placement, and may not be used to supplant monies
292 for those programs.

293 (6) (a) Each participating school shall closely monitor and report its progress and
294 achievements under the program pursuant to guidelines established by the State Board of
295 Education.

296 (b) The state board shall make an annual report on the effectiveness of the program to the
297 Legislature's Education Interim Committee and the Task Force on Strategic Planning for Public
298 and Higher Education.

299 (7) Each school participating in the program shall structure its program to be compatible
300 with the collaborative, early graduation, and centennial scholarship programs authorized under
301 Sections 53A-15-101 and 53A-15-102.

Legislative Review Note
as of 12-19-01 3:20 PM

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

Office of Legislative Research and General Counsel