

CORE CURRICULUM AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Gladwell

This act modifies provisions related to the State System of Public Education by requiring the State Board of Education to consult with teachers and parents in establishing the core curriculum and to align the core curriculum and tests administered under the Utah Performance Assessment System for Students (U-PASS) with each other. This act directs the State Board of Education to recommend instructional materials for use in public schools and allows each school to select instructional materials and teaching methods it considers most appropriate to meet core curriculum objectives.

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

AMENDS:

53A-1-402.6, as enacted by Chapter 301, Laws of Utah 2000

53A-12-204, as last amended by Chapter 174, Laws of Utah 1997

53A-13-101, as last amended by Chapter 105, Laws of Utah 2001

53A-14-101, as last amended by Chapter 84, Laws of Utah 2001

53A-14-102, as last amended by Chapter 84, Laws of Utah 2001

53A-17a-121, as last amended by Chapter 335, Laws of Utah 2001

53A-25a-105, as enacted by Chapter 280, Laws of Utah 1994

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

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

53A-1-402.6. Core curriculum.

(1) In establishing minimum standards related to curriculum and instruction requirements under ~~[Subsection]~~ Section 53A-1-402~~(f)(e)~~, the State Board of Education shall, in consultation with local school boards ~~[and local]~~, school superintendents, teachers, and parents define and establish a core curriculum.

(2) The board shall:

(a) include in its definition an identification of 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 curriculum and tests administered under the Utah Performance Assessment System for Students (U-PASS) with each other.

(3) (a) Local school boards shall design their school programs to focus on the core curriculum with the expectation that each program will enhance or help achieve mastery of the core curriculum.

(b) As part of the report required by each school for its participation in the School LAND Trust Program under Section 53A-16-101.5, the school committee shall report on the value of each program at the school that is part of the school trust land plan as it relates to enhancing the core curriculum.

(4) Except as provided in Section 53A-13-101, each school may select instructional materials and methods of teaching that it considers most appropriate to meet core curriculum objectives.

Section 2. Section **53A-12-204** is amended to read:

53A-12-204. Purchase of textbooks by local school board -- Sales to pupils -- Free textbooks -- Textbooks provided to teachers -- Payment of costs -- Rental of textbooks.

(1) A local school board, under rules adopted by the State Board of Education, may purchase textbooks [~~approved by the state board~~] for use in the public schools directly from the publisher at prices and terms approved by the state board and may sell those books to pupils in grades nine through 12 at a cost not to exceed the actual cost of the book plus costs of transportation and handling.

(2) Each local school board, however, shall provide, free of charge, textbooks and workbooks required for courses of instruction for each child attending public schools whose parent or guardian is financially unable to purchase them.

(3) Children who are receiving cash assistance under Title 35A, Chapter 3, Part 3, Family Employment Program, supplemental security income, or who are in the custody of the Division of Child and Family Services within the Department of Human Services are eligible for free textbooks

and workbooks under this section.

(4) The local school board shall also purchase all books necessary for teachers to conduct their classes.

(5) The cost of furnishing textbooks and workbooks may be paid from school operating funds, the textbook fund, or from other available funds.

(6) Books provided to teachers and pupils without charge or at less than full cost are paid for out of funds of the district and remain the property of the district.

(7) In school districts that require pupils to rent books instead of purchasing them or providing them free of charge, the local school board shall waive rental fees for a child whose parent or guardian is financially unable to pay the rental fee. The children considered eligible under Subsection (3) are also eligible for the purposes of this Subsection (7).

Section 3. Section **53A-13-101** is amended to read:

53A-13-101. Instruction in health -- Parental consent requirements -- Character habits -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.

(1) (a) The State Board of Education shall establish curriculum requirements under Section 53A-1-402, that include instruction in:

- (i) community and personal health;
- (ii) physiology;
- (iii) personal hygiene; and
- (iv) prevention of communicable disease.

(b) (i) That instruction shall stress:

(A) the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases; and

(B) personal skills that encourage individual choice of abstinence and fidelity.

(ii) (A) At no time may instruction be provided, including responses to spontaneous questions raised by students, regarding any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult.

(B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a spontaneous question as long as the response is consistent with the provisions of this section.

(c) (i) The board shall [~~approve~~] recommend instructional materials for use in the curricula required under Subsection (1)(a) [~~upon recommendation of~~] after considering evaluations of instructional materials by the State [Textbook] Instructional Materials Commission [or its successor].

(ii) A local school board may choose to adopt:

(A) the instructional materials [~~approved~~] recommended under Subsection (1)(c)(i); or

(B) other instructional materials as provided in state board rule.

(iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a minimum:

(A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B) shall be based upon recommendations of the school district's Curriculum Materials Review Committee that comply with state law and state board rules emphasizing abstinence before marriage and fidelity after marriage, and prohibiting instruction in:

(I) the intricacies of intercourse, sexual stimulation, or erotic behavior;

(II) the advocacy of homosexuality;

(III) the advocacy or encouragement of the use of contraceptive methods or devices; or

(IV) the advocacy of sexual activity outside of marriage;

(B) that the adoption of instructional materials shall take place in an open and regular meeting of the local school board for which prior notice is given to parents and guardians of students attending schools in the district and an opportunity for them to express their views and opinions on the materials at the meeting;

(C) provision for an appeal and review process of the local school board's decision; and

(D) provision for a report by the local school board to the State Board of Education of the action taken and the materials adopted by the local school board under Subsections (1)(c)(ii)(B) and (1)(c)(iii).

(2) (a) Instruction in the courses described in Subsection (1) shall be consistent and systematic in grades eight through 12.

(b) At the request of the board, the Department of Health shall cooperate with the board in

developing programs to provide instruction in those areas.

(3) (a) The board shall adopt rules that:

(i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323 are complied with; and

(ii) require a student's parent or legal guardian to be notified in advance and have an opportunity to review the information for which parental consent is required under Sections 76-7-322 and 76-7-323.

(b) The board shall also provide procedures for disciplinary action for violation of Section 76-7-322 or 76-7-323.

(4) Honesty, temperance, morality, courtesy, obedience to law, respect for and an understanding of the Declaration of Independence and the Constitutions of the United States and the state of Utah, Utah history including territorial and preterritorial development to the present, the essentials and benefits of the free enterprise system, respect for parents and home, and the dignity and necessity of honest labor and other skills, habits, and qualities of character which will promote an upright and desirable citizenry and better prepare students for a richer, happier life shall be taught in connection with regular school work.

(5) (a) In keeping with the requirements of Subsection (4), and because school employees and volunteers serve as examples to their students, school employees or volunteers acting in their official capacities may not support or encourage criminal conduct by students, teachers, or volunteers.

(b) To ensure the effective performance of school personnel, the limitations described in Subsection (5)(a) also apply to school employees or volunteers acting outside of their official capacities if:

(i) they knew or should have known that their action could result in a material and substantial interference or disruption in the normal activities of the school; and

(ii) that action does result in a material and substantial interference or disruption in the normal activities of the school.

(c) Neither the State Office of Education nor local school districts may provide training of

school employees or volunteers that supports or encourages criminal conduct.

(d) The State Board of Education shall adopt rules implementing this section.

(e) Nothing in this section limits the ability or authority of the State Board of Education and local school boards to enact and enforce rules or take actions that are otherwise lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing unfitness for duty.

(6) Except as provided in Section 53A-13-101.1, political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.

(7) (a) Local school boards and their employees shall cooperate and share responsibility in carrying out the purposes of this chapter.

(b) Each school district shall provide appropriate inservice training for its teachers, counselors, and school administrators to enable them to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections 53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-301, and 53A-13-302 and distribute appropriate written materials on the values, character traits, and conduct to each individual receiving the inservice training.

(c) The written materials shall also be made available to classified employees, students, and parents and guardians of students.

(d) In order to assist school districts in providing the inservice training required under Subsection (7)(b), the State Board of Education shall as appropriate, contract with a qualified individual or entity possessing expertise in the areas referred to in Subsection (7)(b) to develop and disseminate model teacher inservice programs which districts may use to train the individuals referred to in Subsection (7)(b) to effectively teach the values and qualities of character referenced in that subsection.

(e) In accordance with the provisions of Subsection (5)(c), inservice training may not support or encourage criminal conduct.

(8) If any one or more provision, subsection, sentence, clause, phrase, or word of this section, or the application thereof to any person or circumstance, is found to be unconstitutional, the balance of this section shall be given effect without the invalid provision, subsection, sentence, clause,

phrase, or word.

Section 4. Section **53A-14-101** is amended to read:

53A-14-101. Creation of commission -- Powers -- Payment of expenses.

(1) The State Board of Education shall appoint a State Instructional Materials Commission consisting of:

- (a) the state superintendent of public instruction or the superintendent's designee;
- (b) a school district superintendent;
- (c) a secondary school principal;
- (d) an elementary school principal;
- (e) a secondary school teacher;
- (f) an elementary school teacher;
- (g) five persons not employed in public education; and
- (h) a dean of a school of education of a state college or university.

(2) The commission shall [~~recommend~~] evaluate instructional materials for [~~approval~~] recommendation by the board.

(3) As used in this chapter, "instructional materials" means textbooks or materials used as, or in place, of textbooks and which may be used within the state curriculum framework for courses of study by students in public schools to include:

- (a) textbooks;
- (b) workbooks;
- (c) computer software;
- (d) laserdiscs or videodiscs; and
- (e) multiple forms of communications media.

(4) Members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties shall be paid out of money appropriated to the board.

Section 5. Section **53A-14-102** is amended to read:

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

by the state board.

(1) ~~[(a)]~~ Semi-annually after reviewing the ~~[recommendations]~~ evaluations of the commission, the board shall ~~[approve]~~ recommend instructional materials for use in the public schools ~~[under rules adopted by the board].~~

~~[(b) The board shall make a rule in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, providing for a process to:]~~

~~[(i) allow three school districts or more to use or substitute in courses within the state curriculum framework instructional materials not recommended by the commission; and]~~

~~[(ii) appeal any recommendation of the commission to the board.]~~

(2) The standard ~~[approval]~~ period of time instructional materials shall remain on the list of recommended instructional materials shall be five years.

(3) ~~[An unsatisfactory textbook]~~ Unsatisfactory instructional materials may be removed from the list of ~~[approved textbooks]~~ recommended instructional materials at any time within the period applicable to ~~[that book]~~ the instructional materials.

(4) Except as provided in Section 53A-13-101, each school shall have discretion to select instructional materials for use by the school. A school may select:

- (a) instructional materials recommended by the board as provided in this section; or
- (b) other instructional materials it considers appropriate to teach the core curriculum.

Section 6. Section **53A-17a-121** is amended to read:

53A-17a-121. Appropriation for at-risk programs.

(1) There is appropriated to the State Board of Education \$25,023,588 for allocation to local school boards for at-risk programs, including the following:

- (a) youth in custody;
- (b) adolescent pregnancy prevention;
- (c) homeless and disadvantaged minority students;
- (d) mathematics, engineering, and science achievement programs;
- (e) gang prevention and intervention; and
- (f) at-risk flow through.

(2) Districts shall spend monies for these programs according to standards established by the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(3) (a) From the amount appropriated for at-risk programs, the board shall allocate moneys for adolescent pregnancy prevention programs to school districts on the basis of a district's total number of students enrolled in classes as of October 1 that teach a curriculum of adolescent pregnancy prevention as compared to the total number of students enrolled in such programs in school districts throughout the state.

(b) The adolescent pregnancy prevention programs funded under this subsection shall require written consent from parents or guardians for student participation, involve parents or guardians of participating students in a substantial and consistent manner, and comply with the requirements of Sections 76-7-321 through 76-7-325.

(c) To qualify for participation in the program, a district shall demonstrate to the state board through prior research and pilot studies with similar student populations that those students attained and retained knowledge, values, attitudes, and behaviors that promote abstinence from sexual activity before marriage, and that the students had a lower pregnancy rate than comparison groups that did not participate in the program.

(d) Further qualification requires approval by the local board [~~and state board~~] in accordance with Section 53A-13-101 of all teaching materials, handouts, media materials, audiovisual materials, textbooks, curriculum materials, and course outlines to be used in the program.

(e) The state board may not use a district's participation in the adolescent pregnancy prevention program as an offset against the district's historical proportionate share of the remaining fund balance.

(f) A school district may spend any additional monies allocated for adolescent pregnancy prevention programs as long as the programs comply with the guidelines established in Subsections (3)(b), (c), and (d), if the need for such a program is greater than the allocation received under Subsection (3)(a).

(4) (a) From the amount appropriated for youth at risk programs, the board shall allocate

moneys to school districts for homeless and disadvantaged minority students.

(b) Each district shall receive its allocation on the basis of:

(i) the total number of homeless students in the district;

(ii) added to 50% of the number of disadvantaged minority students in the district;

(iii) multiplying the total of Subsections (4)(b)(i) and (ii) by the value of the weighted pupil unit; and

(iv) prorating the amount under Subsection (4)(b)(iii) to the amount in Subsection (4)(a).

(5) (a) From the amount appropriated for at-risk programs, the board shall allocate monies for mathematics, engineering, and science achievement programs, MESA programs, in the districts.

(b) The board shall make the distribution to school districts on a competitive basis by application under guidelines established by the board.

(6) (a) From the amount appropriated for at-risk programs, the board shall distribute moneys for gang prevention and intervention programs at the district or school level.

(b) The board shall make the distribution to school districts under guidelines established by the board consistent with Section 53A-15-601.

(7) (a) From the amount appropriated for at-risk programs, the board shall distribute moneys for programs for youth in custody.

(b) The board shall allocate these moneys to school districts which operate programs for youth in custody in accordance with standards established by the board.

(8) From the amount appropriated for at-risk programs, the board shall allocate monies based on:

(a) a formula which takes into account prior year WPU's per district and a district's low income population; and

(b) a minimum base of no less than \$18,600 for small school districts.

Section 7. Section **53A-25a-105** is amended to read:

53A-25a-105. Braille versions of textbooks.

(1) As a condition of the annual contract for instructional materials process and as a condition of textbook acceptance, the State Board of Education through the State Office of Education

shall require publishers of textbooks [~~adopted~~] recommended by the state board to furnish their textbooks on computer diskettes, on request, for literary subjects in the American Standard Code for Information Interchange (ASCII) from which Braille versions of all or part of the textbook can be produced.

(2) When Braille translation software for specialty code translation becomes available, publishers shall make computer diskettes available, on request, in ASCII for nonliterary subjects such as mathematics and science.