

Representative David N. Cox proposes the following substitute bill:

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[(+)(c)], the State Board of Education shall, in consultation



26 with local school boards [~~and local~~], school superintendents, teachers, and parents define and
27 establish a core curriculum.

28 (2) The board shall:

29 (a) include in its definition an identification of the basic knowledge, skills, and
30 competencies each student is expected to acquire or master as the student advances through the
31 public education system[-]; and

32 (b) align the core curriculum and tests administered under the Utah Performance
33 Assessment System for Students (U-PASS) with each other.

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

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

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

44 Section 1. Section **53A-12-204** is amended to read:

45 **53A-12-204. Purchase of textbooks by local school board -- Sales to pupils -- Free**
46 **textbooks -- Textbooks provided to teachers -- Payment of costs -- Rental of textbooks.**

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

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

55 (3) Children who are receiving cash assistance under Title 35A, Chapter 3, Part 3, Family
56 Employment Program, supplemental security income, or who are in the custody of the Division

57 of Child and Family Services within the Department of Human Services are eligible for free
58 textbooks and workbooks under this section.

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

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

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

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

69 Section 2. Section **53A-13-101** is amended to read:

70 **53A-13-101. Instruction in health -- Parental consent requirements -- Character**
71 **habits -- Conduct and speech of school employees and volunteers -- Political and religious**
72 **doctrine prohibited.**

73 (1) (a) The State Board of Education shall establish curriculum requirements under Section
74 53A-1-402, that include instruction in:

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

79 (b) (i) That instruction shall stress:

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

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

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

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

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

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

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

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

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

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

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

101 (II) the advocacy of homosexuality;

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

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

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

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

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

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

114 (b) At the request of the board, the Department of Health shall cooperate with the board
115 in developing programs to provide instruction in those areas.

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

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

119 (ii) require a student's parent or legal guardian to be notified in advance and have an
120 opportunity to review the information for which parental consent is required under Sections
121 76-7-322 and 76-7-323.

122 (b) The board shall also provide procedures for disciplinary action for violation of Section
123 76-7-322 or 76-7-323.

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

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

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

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

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

142 (c) Neither the State Office of Education nor local school districts may provide training
143 of school employees or volunteers that supports or encourages criminal conduct.

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

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

149 (6) Except as provided in Section 53A-13-101.1, political, atheistic, sectarian, religious,

150 or denominational doctrine may not be taught in the public schools.

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

153 (b) Each school district shall provide appropriate inservice training for its teachers,
154 counselors, and school administrators to enable them to understand, protect, and properly instruct
155 students in the values and character traits referred to in this section and Sections 53A-13-101.1,
156 53A-13-101.2, 53A-13-101.3, 53A-13-301, and 53A-13-302 and distribute appropriate written
157 materials on the values, character traits, and conduct to each individual receiving the inservice
158 training.

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

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

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

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

173 Section 3. Section **53A-14-101** is amended to read:

174 **53A-14-101. Creation of commission -- Powers -- Payment of expenses.**

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

177 (a) the state superintendent of public instruction or the superintendent's designee;

178 (b) a school district superintendent;

179 (c) a secondary school principal;

180 (d) an elementary school principal;

181 (e) a secondary school teacher;
 182 (f) an elementary school teacher;
 183 (g) five persons not employed in public education; and
 184 (h) a dean of a school of education of a state college or university.
 185 (2) The commission shall [~~recommend~~] evaluate instructional materials for [~~approval~~]
 186 recommendation by the board.

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

190 (a) textbooks;
 191 (b) workbooks;
 192 (c) computer software;
 193 (d) laserdiscs or videodiscs; and
 194 (e) multiple forms of communications media.

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

198 Section 4. Section **53A-14-102** is amended to read:

199 **53A-14-102. Commission's evaluation of instructional materials -- Recommendation**
 200 **by the state board.**

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

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

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

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

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

211 (3) [~~An unsatisfactory textbook~~] Unsatisfactory instructional materials may be removed

212 from the list of [~~approved textbooks~~] recommended instructional materials at any time within the
213 period applicable to [~~that book~~] the instructional materials.

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

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

218 Section 5. Section **53A-17a-121** is amended to read:

219 **53A-17a-121. Appropriation for At-risk programs.**

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

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

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

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

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

240 (c) To qualify for participation in the program, a district shall demonstrate to the state
241 board through prior research and pilot studies with similar student populations that those students
242 attained and retained knowledge, values, attitudes, and behaviors that promote abstinence from

243 sexual activity before marriage, and that the students had a lower pregnancy rate than comparison
244 groups that did not participate in the program.

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

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

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

256 (4) (a) From the amount appropriated for youth at risk programs, the board shall allocate
257 moneys to school districts for homeless and disadvantaged minority students.

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

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

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

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

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

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

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

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

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

273 (7) (a) From the amount appropriated for at-risk programs, the board shall distribute

274 moneys for programs for youth in custody.

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

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

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

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

282 Section 6. Section **53A-25a-105** is amended to read:

283 **53A-25a-105. Braille versions of textbooks.**

284 (1) As a condition of the annual contract for instructional materials process and as a
285 condition of textbook acceptance, the State Board of Education through the State Office of
286 Education shall require publishers of textbooks [~~adopted~~] recommended by the state board to
287 furnish their textbooks on computer diskettes, on request, for literary subjects in the American
288 Standard Code for Information Interchange (ASCII) from which Braille versions of all or part of
289 the textbook can be produced.

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