

**Representative Stephen H. Urquhart** proposes the following substitute bill:

**PUBLIC EDUCATION AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Thomas V. Hatch**

**This act modifies the State System of Public Education Code and the Election Code relating to the governance and funding of the public education system, the core academic skills, assessment and accountability, and school choice. This act modifies the membership of and the qualifications used by the nominating committee to select candidates for membership on the State Board of Education. This act expands local school board membership for certain local school boards. This act expands the state superintendent of public instruction's annual report. This act requires the core curriculum to increase in depth and complexity from year to year and focus on consistent and continual progress in the core academic areas of English and mathematics. This act modifies the membership of the education evaluation program district joint committees. This act provides an emphasis on competency-based education and progress-based assessments as a characteristic of the public education system. This act allows local boards of education to hire a superintendent and other administrators with outstanding professional qualifications who do not hold an administrative/supervisory license. This act prohibits a local school board from entering into a collective bargaining agreement that prohibits or limits individual contracts of employment. This act allows teacher licenses to be awarded based on the demonstrated competence of the teacher. This act makes teachers with district-specific licenses at-will employees who are ineligible for career employee status. This act increases curriculum and graduation requirements for grades 9 through 12 in language arts, mathematics, and science. This act creates the Competency-based Education Block Grant Program and appropriates, beginning on July**



26 **1, 2003, \$16,250,000 to the program. This act provides for nonrefundable tax credits for**  
27 **contributions made to a scholarship granting organization to be used for tuition grants**  
28 **for a qualifying student to attend a private school, or nonrefundable tax credits for**  
29 **amounts paid for tuition to a private school on behalf of a qualifying student. This act**  
30 **appropriates \$4,750,000 from the Uniform School Fund, for fiscal year 2003-04 only, to**  
31 **the State Board of Education for distribution to school districts with declining enrollment**  
32 **that are impacted by this act. The act provides definitions and establishes procedures**  
33 **and requirements for administering the tax credits. The act establishes duties of**  
34 **scholarship granting organizations and provides penalties. The act authorizes the State**  
35 **Tax Commission to make rules. This act authorizes the Division of Consumer Protection**  
36 **to enforce certain private school requirements. This act requires the State Board of**  
37 **Education to study, make recommendations, and report to the Education Interim**  
38 **Committee on an enumerated list of strategies to improve public education. This act**  
39 **appropriates \$150,000 for fiscal year 2002-03 only to the Office of Legislative Research**  
40 **and General Counsel to allow the Education Interim Committee to issue a specified**  
41 **request for proposals. This act requires the Public Education Appropriations**  
42 **Subcommittee to study and report on specified funding issues. This act requires the State**  
43 **Board of Regents to study and report on specified issues. This act authorizes additional**  
44 **legislative committee meetings during the 2003 interim and appropriates \$24,500 from**  
45 **the General Fund, for fiscal year 2002-03 only, to cover the additional meeting expenses.**  
46 **This act appropriates \$5,000,000 from the Uniform School Fund, for the fiscal year**  
47 **beginning on July 1, 2003, to the State Board of Education to begin implementing**  
48 **competency-based education processes. This act authorizes a State Education Summit**  
49 **Meeting, requires certain reports for the summit, enumerates its participants, and**  
50 **specifies its purpose. This act makes technical corrections. This act has retrospective**  
51 **operation for taxable years beginning on or after January 1, 2003.**

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

53 AMENDS:

54 **13-2-1**, as last amended by Chapter 222, Laws of Utah 2002

55 **20A-14-104**, as last amended by Chapter 184, Laws of Utah 1997

56 **20A-14-105**, as enacted by Chapter 1, Laws of Utah 1995

- 57            **20A-14-202**, as last amended by Chapter 331, Laws of Utah 2000
- 58            **53A-1-301**, as last amended by Chapter 244, Laws of Utah 2002
- 59            **53A-1-402.6**, as last amended by Chapters 299 and 324, Laws of Utah 2002
- 60            **53A-1a-104**, as last amended by Chapter 86, Laws of Utah 2001
- 61            **53A-3-301**, as last amended by Chapter 331, Laws of Utah 2000
- 62            **53A-3-402**, as last amended by Chapters 322 and 324, Laws of Utah 2002
- 63            **53A-3-403**, as last amended by Chapter 53, Laws of Utah 1992
- 64            **53A-3-404**, as last amended by Chapter 297, Laws of Utah 2001
- 65            **53A-3-411**, as enacted by Chapter 2, Laws of Utah 1988
- 66            **53A-6-103**, as last amended by Chapter 253, Laws of Utah 2002
- 67            **53A-6-104**, as last amended by Chapter 41, Laws of Utah 2002
- 68            **53A-6-502**, as enacted by Chapter 108, Laws of Utah 1999
- 69            **53A-8-106**, as repealed and reenacted by Chapter 324, Laws of Utah 1999
- 70            **53A-10-103**, as last amended by Chapter 78, Laws of Utah 1990
- 71            **63-55b-153**, as last amended by Chapters 49, 219 and 301, Laws of Utah 2002

72 ENACTS:

- 73            **53A-1-409**, Utah Code Annotated 1953
- 74            **53A-6-104.5**, Utah Code Annotated 1953
- 75            **53A-6-110**, Utah Code Annotated 1953
- 76            **53A-13-108**, Utah Code Annotated 1953
- 77            **53A-17a-149**, Utah Code Annotated 1953
- 78            **53A-17a-150**, Utah Code Annotated 1953
- 79            **59-7-616**, Utah Code Annotated 1953
- 80            **59-7-617**, Utah Code Annotated 1953
- 81            **59-10-136**, Utah Code Annotated 1953
- 82            **59-10-137**, Utah Code Annotated 1953

83 This act enacts uncodified material.

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

85            Section 1. Section **13-2-1** is amended to read:

86            **13-2-1. Consumer protection division established -- Functions.**

87            (1) There is established within the Department of Commerce the Division of Consumer

88 Protection.

89 (2) The division shall administer and enforce the following:

90 (a) Chapter 5, Unfair Practices Act;

91 (b) Chapter 10a, Music Licensing Practices Act;

92 (c) Chapter 11, Utah Consumer Sales Practices Act;

93 (d) Chapter 15, Business Opportunity Disclosure Act;

94 (e) Chapter 20, New Motor Vehicles Warranties Act;

95 (f) Chapter 21, Credit Services Organizations Act;

96 (g) Chapter 22, Charitable Solicitations Act;

97 (h) Chapter 23, Health Spa Services Protection Act;

98 (i) Chapter 25a, Telephone and Facsimile Solicitation Act;

99 (j) Chapter 26, Telephone Fraud Prevention Act;

100 (k) Chapter 28, Prize Notices Regulation Act;

101 (l) Chapter 30, Utah Personal Introduction Services Protection Act; ~~and~~

102 (m) Chapter 34, Utah Postsecondary Proprietary School Act~~[-];~~ and

103 (n) Section 59-7-617, the requirements of private schools that issue school tuition

104 certificates.

105 Section 2. Section **20A-14-104** is amended to read:

106 **20A-14-104. Becoming a candidate for membership on the State Board of**  
107 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

108 (1) (a) Persons interested in becoming a candidate for the State Board of Education  
109 shall file a declaration of candidacy according to the procedures and requirements of Sections  
110 20A-9-201 and 20A-9-202.

111 (b) By June 1 of the year in which a State Board of Education member's term expires,  
112 the lieutenant governor shall submit the name of each person who has filed a declaration of  
113 candidacy for the State Board of Education to the nominating and recruiting committee for the  
114 State Board of Education [~~district in which that candidate resides~~].

115 (2) By ~~May~~ November 1 of [~~the year in which a State Board of Education member's~~  
116 ~~term expires;~~] 2003 and every four years thereafter, the governor shall:

117 (a) appoint a nominating and recruiting committee consisting of [~~seven~~] 15 members,  
118 each to serve a [~~one-year~~] four-year term, [~~for the state board district that member represents;~~]

119 of which:

120 (i) seven members shall have education expertise, including at least one member with  
121 special education expertise;

122 (ii) seven members shall have business, industry, or employer expertise; and

123 (iii) one member shall be a public member;

124 (b) ensure that ~~[each]~~ one member of the nominating and recruiting committee resides  
125 within ~~[the]~~ each state board district; and

126 ~~[(c) ensure that:]~~

127 ~~[(i) one member of the nominating committee serves on a local school board within the~~  
128 ~~state board district;]~~

129 ~~[(ii) one member of the nominating committee is employed as a school district or~~  
130 ~~public school administrator;]~~

131 ~~[(iii) one member of the nominating committee is employed as a public school~~  
132 ~~teacher;]~~

133 ~~[(iv) one member of the nominating committee belongs to a parent association that~~  
134 ~~provides direct and ongoing support to public schools within the district; and]~~

135 ~~[(v) three members of the nominating committee represent economic interests and the~~  
136 ~~public at large; and]~~

137 ~~[(d)]~~ (c) designate one member to serve as chair for the committee.

138 (3) (a) The chair, or another member of the committee designated by the chair, shall  
139 schedule and convene all committee meetings.

140 (b) Any formal action by the committee requires the approval of ~~[at least four]~~ a  
141 majority of committee members.

142 (c) Members of the nominating and recruiting committee shall serve without  
143 compensation, but they may be reimbursed for expenses incurred in the performance of their  
144 official duties as established by the Division of Finance.

145 (4) ~~[Each]~~ The nominating and recruiting committee shall:

146 (a) recruit potential candidates for membership on the State Board of Education prior  
147 to the deadline to file a declaration of candidacy;

148 ~~[(a)]~~ (b) prepare a list of candidates for membership on the State Board of Education  
149 ~~[from its district]~~ for each state board district subject to election in that year using the

150 qualifications under Subsection (5);

151 ~~[(b)]~~ (c) submit a list of ~~[up to five but no fewer than]~~ at least three candidates for ~~[the]~~  
152 each state board position to the governor by August 1; and

153 ~~[(c)]~~ (d) ensure that the list includes appropriate background information on each  
154 candidate.

155 (5) The nominating committee shall select a broad variety of candidates who possess  
156 outstanding professional qualifications relating to the powers and duties of the State Board of  
157 Education, including experience in the following areas:

158 (a) business and industry administration;

159 (b) business and industry human resource management;

160 (c) business and industry finance;

161 (d) business and industry, including expertise in:

162 (i) metrics and evaluation;

163 (ii) manufacturing;

164 (iii) retailing;

165 (iv) natural resources;

166 (v) information technology;

167 (vi) construction; and

168 (v) banking;

169 (e) higher education administration;

170 (f) applied technology education;

171 (g) public education administration;

172 (h) public education instruction;

173 (i) economic development;

174 (j) labor; and

175 (k) other life experiences that would benefit the State Board of Education.

176 Section 3. Section **20A-14-105** is amended to read:

177 **20A-14-105. Becoming a candidate for membership on the State Board of**

178 **Education -- Selection of candidates by the governor -- Ballot placement.**

179 (1) By September 1 of each regular general election year, the governor shall:

180 (a) for each state board district subject to election in that year, select two candidates

181 for the State Board of Education from the lists submitted by the state board district nominating  
182 [~~committees~~] and recruiting committee; and

183 (b) certify the names of the two candidates from each school board district to the  
184 lieutenant governor.

185 (2) If the governor fails to select two candidates for a state board district by September  
186 1, the nominating and recruiting committee [~~from that district~~] shall:

187 (a) select the two candidates; and

188 (b) notify the lieutenant governor of its selections by September 15.

189 (3) The lieutenant governor shall:

190 (a) conduct a lottery to determine the order of the candidates' names on the ballot; and

191 (b) certify the names and order of the names to the county clerks for placement on the  
192 nonpartisan section of the ballot.

193 Section 4. Section **20A-14-202** is amended to read:

194 **20A-14-202. Local Boards of Education -- Membership -- When elected --**

195 **Qualifications -- Avoiding conflicts of interest.**

196 (1) (a) [~~The~~] Except as provided in Subsection (1)(b), the board of education of a  
197 school district with a student population of up to 24,000 students shall consist of five members.

198 (b) The board of education of a school district with a student population of more than  
199 14,000 students but fewer than 24,000 students shall increase from five to seven members  
200 beginning with the [~~2002~~] 2004 regular general election.

201 (c) The board of education of a school district with a student population of 24,000 or  
202 more students shall consist of seven members.

203 [~~(e)~~] (d) Student population is based on the October 1 student count submitted by  
204 districts to the State Office of Education.

205 [~~(d)~~] (e) If the number of members of a local school board is required to change under  
206 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in  
207 Sections 20A-14-201 and 20A-14-203.

208 [~~(e)~~] (f) A school district which now has or increases to a seven-member board shall  
209 maintain a seven-member board regardless of subsequent changes in student population.

210 [~~(f)~~] (g) (i) Members of a local board of education shall be elected at each regular  
211 general election.

212 (ii) Except as provided in Subsection (1)[~~(f)~~](g)(iii), no more than three members of a  
213 local board of education may be elected to a five-member board, nor more than four members  
214 elected to a seven-member board, in any election year.

215 (iii) More than three members of a local board of education may be elected to a  
216 five-member board and more than four members elected to a seven-member board in any  
217 election year only when required by reapportionment or to fill a vacancy or to implement  
218 Subsection (1)(b).

219 [~~(g)~~] (h) One member of the local board of education shall be elected from each local  
220 school board district.

221 (2) A member of a local school board shall:

222 (a) be and remain a registered voter in the local school board district from which the  
223 member is elected or appointed; and

224 (b) maintain his primary residence within the local school board district from which the  
225 member is elected or appointed.

226 (3) A member of a local school board may not, during the member's term in office, also  
227 serve as an employee of that board.

228 Section 5. Section **53A-1-301** is amended to read:

229 **53A-1-301. Appointment -- Qualifications -- Duties.**

230 (1) (a) The State Board of Education shall appoint a superintendent of public  
231 instruction, hereinafter called the state superintendent, who is the executive officer of the board  
232 and serves at the pleasure of the board.

233 (b) The board shall appoint the state superintendent on the basis of outstanding  
234 professional qualifications.

235 (c) The state superintendent shall administer all programs assigned to the State Board  
236 of Education in accordance with the policies and the standards established by the board.

237 (2) The superintendent shall develop a statewide education strategy focusing on core  
238 academics, including the development of:

239 (a) core curriculum and graduation requirements;

240 (b) a process to select instructional materials that best correlate to the core curriculum  
241 and that are supported by generally accepted scientific standards of evidence, and graduation  
242 requirements;

243 (c) professional development programs for teachers, superintendents, and principals;

244 (d) remediation programs;

245 (e) a method for creating individual student targets and development plans, and a  
246 method of measuring an individual student's performance toward those targets;

247 (f) progress-based assessments for ongoing performance evaluations of districts and  
248 schools;

249 (g) incentives to achieve the desired outcome of individual student progress in core  
250 academics, and which do not create disincentives for setting high goals for the students;

251 (h) an annual report card for school and district performance, measuring learning and  
252 reporting progress-based assessments;

253 (i) a systematic method to encourage innovation in schools and school districts as they  
254 strive to achieve improvement in their performance; and

255 (j) a method for identifying and sharing best demonstrated practices across districts and  
256 schools.

257 [~~2~~] (3) The superintendent shall perform duties assigned by the board, including the  
258 following:

259 (a) investigating all matters pertaining to the public schools;

260 (b) adopting and keeping an official seal to authenticate the superintendent's official  
261 acts;

262 (c) holding and conducting meetings, seminars, and conferences on educational topics;

263 (d) presenting to the governor and the Legislature each December a report of the public  
264 school system for the preceding year to include:

265 (i) data on the general condition of the schools with recommendations considered  
266 desirable for specific programs;

267 (ii) a complete statement of fund balances;

268 (iii) a complete statement of revenues by fund and source;

269 (iv) a complete statement of adjusted expenditures by fund, the status of bonded  
270 indebtedness, the cost of new school plants, and school levies;

271 (v) a complete statement of state funds allocated to each of the state's 40 school  
272 districts by source, including supplemental appropriations, and a complete statement of  
273 expenditures by each district, including supplemental appropriations, by function and object as

274 outlined in the U.S. Department of Education publication "Financial Accounting for Local and  
275 State School Systems";

276 (vi) a statement that includes such items as fall enrollments, average membership, high  
277 school graduates, licensed and classified employees, pupil-teacher ratios, average salaries,  
278 applicable private school data, and data from standardized norm-referenced tests in grades 5, 8,  
279 and 11 on each school and district;

280 (vii) statistical information regarding incidents of delinquent activity in the schools or  
281 at school-related activities with separate categories for:

282 (A) alcohol and drug abuse;

283 (B) weapon possession;

284 (C) assaults; and

285 (D) arson; [~~and~~]

286 (viii) information about:

287 (A) the implementation of the strategy of focusing on core academics;

288 (B) the implementation of competency-based education and progress-based

289 assessments; and

290 (C) the results being achieved under Subsections (3)(d)(viii)(A) and (B), as measured

291 by individual progress-based assessments and the comparison of Utah Students' progress with

292 the progress of students in other states using standardized norm-referenced tests as

293 benchmarks; and

294 [~~(viii)] (ix) other statistical and financial information about the school system which  
295 the superintendent considers pertinent;~~

296 (e) collecting and organizing education data into an automated decision support system  
297 to facilitate school district and school improvement planning, accountability reporting and  
298 performance recognition, and the evaluation of educational policy and program effectiveness to  
299 include:

300 (i) data that are:

301 (A) comparable across schools and school districts;

302 (B) appropriate for use in longitudinal studies; and

303 (C) comprehensive with regard to the data elements required under applicable state or  
304 federal law or state board rule;

305 (ii) features that enable users, most particularly school administrators, teachers, and  
 306 parents, to:

307 (A) retrieve school and school district level data electronically;

308 (B) interpret the data visually; and

309 (C) draw conclusions that are statistically valid; and

310 (iii) procedures for the collection and management of education data that:

311 (A) require the state superintendent of public instruction to:

312 (I) collaborate with school districts in designing and implementing uniform data  
 313 standards and definitions;

314 (II) undertake or sponsor research to implement improved methods for analyzing  
 315 education data;

316 (III) provide for data security to prevent unauthorized access to or contamination of the  
 317 data; and

318 (IV) protect the confidentiality of data under state and federal privacy laws; and

319 (B) require all school districts to comply with the data collection and management  
 320 procedures established under Subsection [(2)] (3)(e); and

321 (f) with the approval of the board, preparing and submitting to the governor a budget  
 322 for the board to be included in the budget that the governor submits to the Legislature.

323 [(3)] (4) Upon leaving office, the state superintendent shall deliver to his successor all  
 324 books, records, documents, maps, reports, papers, and other articles pertaining to his office.

325 Section 6. Section **53A-1-402.6** is amended to read:

326 **53A-1-402.6. Core curriculum.**

327 (1) In establishing minimum standards related to curriculum and instruction  
 328 requirements under Section 53A-1-402, the State Board of Education shall, in consultation  
 329 with local school boards, school superintendents, teachers, employers, and parents [~~define and~~  
 330 ~~establish~~] implement a core curriculum[?] which will enable students to:

331 (a) communicate effectively, both verbally and through written communication;

332 (b) apply mathematics;

333 (c) access, analyze, and apply information; and

334 (d) work cooperatively and effectively in teams.

335 (2) The board shall:

336 (a) ~~[include in its definition an identification of]~~ identify the basic knowledge, skills,  
337 and competencies each student is expected to acquire or master as the student advances through  
338 the public education system; and

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

341 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection  
342 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and  
343 continual progress within and between grade levels and courses in the core academic areas of:

344 (a) English, including explicit phonics, spelling, grammar, reading, writing,  
345 vocabulary, speech, and listening; and

346 (b) mathematics, including basic computational skills.

347 ~~[(3)]~~ (4) Local school boards shall design their school programs, that are supported by  
348 generally accepted scientific standards of evidence, to focus on the core curriculum with the  
349 expectation that each program will enhance or help achieve mastery of the core curriculum.

350 ~~[(4)]~~ (5) Except as provided in Section 53A-13-101, each school may select  
351 instructional materials and methods of teaching, that are supported by generally accepted  
352 scientific standards of evidence, that it considers most appropriate to meet core curriculum  
353 objectives.

354 Section 7. Section **53A-1-409** is enacted to read:

355 **53A-1-409. Competency-based education -- Recommendations -- Coordination.**

356 The State Board of Education shall:

357 (1) provide expertise to and consult with local school boards and school districts  
358 relating to competency-based education and progress-based assessments;

359 (2) monitor the expenditures of the Competency-based Education Block Grant Program  
360 under Section 53A-17a-149; and

361 (3) make recommendations to the Public Education Appropriations Subcommittee and  
362 the Legislature relating to the Competency-based Education Block Grant Program under  
363 Section 53A-17a-149, the Class Size Reduction Reward Block Grant Program Under Section  
364 53A-17a-151, and other programs, including the amount and allocation of public education  
365 monies, based upon both new public education monies and the reallocation of monies required  
366 to implement;

- 367           (a) progress-based assessments;  
368           (b) a weighted competency unit that distributes public education monies based on  
369 numbers of grade level achieved as measured by the progress-based assessments;  
370           (c) a plan to assist students, teachers, schools, and districts that need remediation based  
371 upon Subsections (3)(a) and (b);  
372           (d) the reallocation of teaching resources from noncore electives into grades 1-3, 7-12  
373 math, and 7-12 English; and  
374           (e) a teacher development program focused on achieving progress in core academics.

375           Section 8. Section **53A-1a-104** is amended to read:

376           **53A-1a-104. Characteristics of public education system.**

377           The Legislature shall assist in maintaining a public education system that has the  
378 following characteristics:

379           (1) assumes that all students have the ability to learn and that each student departing  
380 the system will be prepared to achieve success in productive employment, further education, or  
381 both;

382           (2) provides a personalized education plan or personalized education occupation plan  
383 for each student, which involves the student, the student's parent or guardian, and school  
384 personnel in establishing the plan;

385           (3) provides students with the knowledge and skills to take responsibility for their  
386 decisions and to make appropriate choices;

387           (4) provides opportunities for students to exhibit the capacity to learn, think, reason,  
388 and work effectively, individually and in groups;

389           (5) offers a world-class core curriculum that enables students to successfully compete  
390 in a global society, and to succeed as citizens of a constitutional republic;

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

393           (7) attracts, prepares, inducts, and retains excellent teachers for every classroom in  
394 large part through collaborative efforts among the State Board of Education, the State Board of  
395 Regents, and school districts, provides effective ongoing professional development  
396 opportunities for teachers to improve their teaching skills, and provides recognition, rewards,  
397 and compensation for their excellence;

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

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

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

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

406 (12) emphasizes the involvement of educators, parents, business partnerships, and the  
407 community at large in the educational process by allowing them to be involved in establishing  
408 and implementing educational goals and participating in decision-making at the school site[-];  
409 and

410 (13) emphasizes competency-based progress and progress-based assessments,  
411 including tracking and measurement systems.

412 Section 9. Section **53A-3-301** is amended to read:

413 **53A-3-301. Superintendent of schools -- Appointment -- Qualifications -- Term --**  
414 **Compensation.**

415 (1) A local school board shall appoint a district superintendent of schools who serves  
416 as the board's chief executive officer.

417 (2) (a) The board shall appoint the superintendent on the basis of outstanding  
418 professional qualifications.

419 (b) The superintendent's term of office is for two years and until a successor is  
420 appointed and qualified.

421 (3) If it becomes necessary to appoint an interim superintendent due to a vacancy in the  
422 office of superintendent, then the board shall make an appointment during a public meeting for  
423 an indefinite term not to exceed one year, which term shall end upon the appointment and  
424 qualification of a new superintendent.

425 (4) (a) The superintendent shall hold an administrative/supervisory license issued by  
426 the State Board of Education, except as otherwise provided in Subsection (4)(b).

427 (b) A local board of education may request, and the State Board of Education [~~shall~~]  
428 may grant, a letter of authorization permitting a person with outstanding professional

429 qualifications to serve as superintendent without holding an administrative/supervisory license  
430 [~~if the district has a student population of at least 15,000~~].

431 (5) The board shall set the superintendent's compensation for services.

432 (6) The superintendent qualifies for office by taking the constitutional oath of office.

433 Section 10. Section **53A-3-402** is amended to read:

434 **53A-3-402. Powers and duties generally.**

435 (1) Each local school board shall:

436 (a) implement the core curriculum utilizing instructional materials that best correlate to  
437 the core curriculum;

438 (b) administer tests, required by the State Board of Education, which measure the  
439 progress of each student, and coordinate with the state superintendent and State Board of  
440 Education to assess results and create plans to improve the student's progress which shall be  
441 submitted to the State Office of Education for approval;

442 (c) use progress-based assessments as part of a plan to identify schools, teachers, and  
443 students that need remediation and determine the type and amount of state and local resources  
444 to implement remediation;

445 (d) develop early warning systems for students or classes failing to make progress;

446 (e) work with the State Office of Education to establish a library of documented best  
447 practices for use by the local districts; and

448 (f) implement training programs for school administrators, including basic  
449 management training, best practices in instructional methods, budget training, staff  
450 management, managing for learning results and continuous improvement, and how to help  
451 every child achieve optimal learning in core academics.

452 [~~(1)~~] (2) Local school boards shall spend minimum school program funds for programs  
453 and activities for which the State Board of Education has established minimum standards or  
454 rules under Section 53A-1-402.

455 [~~(2)~~] (3) (a) A board may purchase, sell, and make improvements on school sites,  
456 buildings, and equipment and construct, erect, and furnish school buildings.

457 (b) School sites or buildings may only be conveyed or sold on board resolution  
458 affirmed by at least two-thirds of the members.

459 [~~(3)~~] (4) (a) A board may participate in the joint construction or operation of a school

460 attended by children residing within the district and children residing in other districts either  
461 within or outside the state.

462 (b) Any agreement for the joint operation or construction of a school shall:

463 (i) be signed by the president of the board of each participating district;

464 (ii) include a mutually agreed upon pro rata cost; and

465 (iii) be filed with the State Board of Education.

466 [~~4~~] (5) A board may establish, locate, and maintain elementary, secondary, and  
467 applied technology schools.

468 [~~5~~] (6) A board may enroll children in school who are at least five years of age before  
469 September 2 of the year in which admission is sought.

470 [~~6~~] (7) A board may establish and support school libraries.

471 [~~7~~] (8) A board may collect damages for the loss, injury, or destruction of school  
472 property.

473 [~~8~~] (9) A board may authorize guidance and counseling services for children and their  
474 parents or guardians prior to, during, or following enrollment of the children in schools.

475 [~~9~~] (10) (a) A board may apply for, receive, and administer funds made available  
476 through programs of the federal government.

477 (b) Federal funds are not considered funds within the school district budget under Title  
478 53A, Chapter 19, School District Budgets.

479 (c) Federal funds may only be expended for the purposes for which they are received  
480 and are accounted for by the board.

481 [~~10~~] (11) (a) A board may organize school safety patrols and adopt rules under which  
482 the patrols promote student safety.

483 (b) A student appointed to a safety patrol shall be at least ten years old and have written  
484 parental consent for the appointment.

485 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion  
486 of a highway intended for vehicular traffic use.

487 (d) Liability may not attach to a school district, its employees, officers, or agents or to a  
488 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting  
489 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

490 [~~11~~] (12) (a) A board may on its own behalf, or on behalf of an educational institution

491 for which the board is the direct governing body, accept private grants, loans, gifts,  
492 endowments, devises, or bequests that are made for educational purposes.

493 (b) These contributions are not subject to appropriation by the Legislature.

494 [~~12~~] (13) (a) A board may appoint and fix the compensation of a compliance officer  
495 to issue citations for violations of Subsection 76-10-105(2).

496 (b) A person may not be appointed to serve as a compliance officer without the  
497 person's consent.

498 (c) A teacher or student may not be appointed as a compliance officer.

499 [~~13~~] (14) A board shall adopt bylaws and rules for its own procedures.

500 [~~14~~] (15) (a) A board shall make and enforce rules necessary for the control and  
501 management of the district schools.

502 (b) All board rules and policies shall be in writing, filed, and referenced for public  
503 access.

504 [~~15~~] (16) A board may hold school on legal holidays other than Sundays.

505 [~~16~~] (17) (a) Each board shall establish for each school year a school traffic safety  
506 committee to implement this Subsection [~~16~~] (17).

507 (b) The committee shall be composed of one representative of:

508 (i) the schools within the district;

509 (ii) the Parent Teachers' Association of the schools within the district;

510 (iii) the municipality or county;

511 (iv) state or local law enforcement; and

512 (v) state or local traffic safety engineering.

513 (c) The committee shall:

514 (i) receive suggestions from parents, teachers, and others and recommend school traffic  
515 safety improvements, boundary changes to enhance safety, and school traffic safety program  
516 measures;

517 (ii) review and submit annually to the Department of Transportation and affected  
518 municipalities and counties a child access routing plan for each elementary, middle, and junior  
519 high school within the district;

520 (iii) consult the Utah Safety Council and the Division of Family Health Services and  
521 provide training to all school children in kindergarten through grade six, within the district, on

522 school crossing safety and use; and

523 (iv) help ensure the district's compliance with rules made by the Department of  
524 Transportation under Section 41-6-20.1.

525 (d) The committee may establish subcommittees as needed to assist in accomplishing  
526 its duties under Subsection [~~(16)~~] (17)(c).

527 (e) The board shall require the school community council of each elementary, middle,  
528 and junior high school within the district to develop and submit annually to the committee a  
529 child access routing plan.

530 [~~(17)~~] (18) (a) Each school board shall adopt and implement a comprehensive  
531 emergency response plan to prevent and combat violence in its public schools, on school  
532 grounds, on its school vehicles, and in connection with school-related activities or events.

533 (b) The board shall implement its plan by July 1, 2000.

534 (c) The plan shall:

535 (i) include prevention, intervention, and response components;

536 (ii) be consistent with the student conduct and discipline policies required for school  
537 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

538 (iii) require inservice training for all district and school building staff on what their  
539 roles are in the emergency response plan; and

540 (iv) provide for coordination with local law enforcement and other public safety  
541 representatives in preventing, intervening, and responding to violence in the areas and activities  
542 referred to in Subsection [~~(17)~~] (18)(a).

543 (d) The State Board of Education, through the state superintendent of public  
544 instruction, shall develop comprehensive emergency response plan models that local school  
545 boards may use, where appropriate, to comply with Subsection [~~(17)~~] (18)(a).

546 (e) Each local school board shall, by July 1 of each year, certify to the State Board of  
547 Education that its plan has been practiced at the school level and presented to and reviewed by  
548 its teachers, administrators, students, and their parents and local law enforcement and public  
549 safety representatives.

550 [~~(18)~~] (19) (a) Each local school board may adopt an emergency response plan for the  
551 treatment of sports-related injuries that occur during school sports practices and events.

552 (b) The plan may be implemented by each secondary school in the district that has a

553 sports program for students.

554 (c) The plan may:

555 (i) include emergency personnel, emergency communication, and emergency  
556 equipment components;

557 (ii) require inservice training on the emergency response plan for school personnel who  
558 are involved in sports programs in the district's secondary schools; and

559 (iii) provide for coordination with individuals and agency representatives who:

560 (A) are not employees of the school district; and

561 (B) would be involved in providing emergency services to students injured while  
562 participating in sports events.

563 (d) The board, in collaboration with the schools referred to in Subsection [~~(18)~~]  
564 (19)(b), may review the plan each year and make revisions when required to improve or  
565 enhance the plan.

566 (e) The State Board of Education, through the state superintendent of public  
567 instruction, shall provide local school boards with an emergency plan response model that local  
568 boards may use to comply with the requirements of this Subsection [~~(18)~~] (19).

569 [~~(19)~~] (20) A board shall do all other things necessary for the maintenance, prosperity,  
570 and success of the schools and the promotion of education.

571 Section 11. Section **53A-3-403** is amended to read:

572 **53A-3-403. School district fiscal year -- Statistical reports.**

573 (1) A school district's fiscal year begins on July 1 and ends on June 30.

574 (2) (a) The district shall forward statistical reports for the preceding school year,  
575 containing items required by law or by the State Board of Education, to the state superintendent  
576 not later than November 1 of each year.

577 (b) The reports shall include information to enable the state superintendent to complete  
578 the statement required under Subsection 53A-1-301 [~~(2)~~] (3)(d)(v).

579 (3) The district shall forward the opinion on the statistical report of the auditors  
580 employed under Section 51-2-1 to the state superintendent not later than October 15 of each  
581 year.

582 (4) The district shall include the following information in its report:

583 (a) a summary of the number of students in the district given fee waivers, the number

584 of students who worked in lieu of a waiver, and the total dollar value of student fees waived by  
585 the district;

- 586 (b) a copy of the district's fee and fee waiver policy;
- 587 (c) a copy of the district's fee schedule for students; and
- 588 (d) notices of fee waivers provided to a parent or guardian of a student.

589 Section 12. Section **53A-3-404** is amended to read:

590 **53A-3-404. Annual financial report -- Audit report.**

591 (1) The annual financial report of each school district, containing items required by law  
592 or by the State Board of Education and attested to by independent auditors, shall be prepared as  
593 required by Section 51-2-1.

594 (2) The auditors employed under Section 51-2-1 shall complete their field work in  
595 sufficient time to allow them to verify necessary audit adjustments included in the annual  
596 financial report to the state superintendent.

597 (3) (a) (i) The district shall forward the annual financial report to the state  
598 superintendent not later than October 1.

599 (ii) The report shall include information to enable the state superintendent to complete  
600 the statement required under Subsection 53A-1-301[~~(2)~~] (3)(d)(v).

601 (b) (i) The State Board of Education shall publish electronically a copy of the report on  
602 the Internet not later than December 15.

603 (ii) The report may be combined with the report required to be published under  
604 Subsection 53A-3-416(3)(b).

605 (4) The completed audit report shall be delivered to the school district board of  
606 education and the state superintendent of public instruction not later than November 30 of each  
607 year.

608 Section 13. Section **53A-3-411** is amended to read:

609 **53A-3-411. Employment of school personnel -- Length of contract -- Termination**  
610 **for cause -- Individual contract of employment.**

611 (1) A local school board may enter into a written employment contract for a term not to  
612 exceed five years.

613 (2) Nothing in the terms of the contract shall restrict the power of a local school board  
614 to terminate the contract for cause at any time.

615           (3) (a) A local school board may not enter into a collective bargaining agreement that  
616 prohibits or limits individual contracts of employment.

617           (b) Subsection (3)(a) does not apply to an agreement that was entered into before May  
618 5, 2003.

619           Section 14. Section **53A-6-103** is amended to read:

620           **53A-6-103. Definitions.**

621           As used in this chapter:

622           (1) "Accredited institution" means an institution meeting the requirements of Section  
623 53A-6-107.

624           (2) (a) "Alternative preparation program" means preparation for licensure in  
625 accordance with applicable law and rule through other than an approved preparation program.

626           (b) "Alternative preparation program" includes the competency-based licensing  
627 program described in Section 53A-6-104.5.

628           (3) "Ancillary requirement" means a requirement established by law or rule in addition  
629 to completion of an approved preparation program or alternative education program or  
630 establishment of eligibility under the NASDTEC Interstate Contract, and may include any of  
631 the following:

632           (a) minimum grade point average;

633           (b) standardized testing or assessment;

634           (c) mentoring;

635           (d) recency of professional preparation or experience;

636           (e) graduation from an accredited institution; or

637           (f) evidence relating to moral, ethical, physical, or mental fitness.

638           (4) "Approved preparation program" means a program for preparation of educational  
639 personnel offered through an accredited institution in Utah or in a state which is a party to a  
640 contract with Utah under the NASDTEC Interstate Contract and which, at the time the  
641 program was completed by the applicant:

642           (a) was approved by the governmental agency responsible for licensure of educators in  
643 the state in which the program was provided;

644           (b) satisfied requirements for licensure in the state in which the program was provided;

645           (c) required completion of a baccalaureate; and

646 (d) included a supervised field experience.

647 (5) "Board" means the Utah State Board of Education.

648 (6) "Certificate" means a license issued by a governmental jurisdiction outside the  
649 state.

650 (7) "Core academic subjects" means English, reading or language arts, mathematics,  
651 science, foreign languages, civics and government, economics, arts, history, and geography.

652 [(7)] (8) "Educator" means:

653 (a) a person who holds a license;

654 (b) a teacher, counselor, administrator, librarian, or other person required, under rules  
655 of the board, to hold a license; or

656 (c) a person who is the subject of an allegation which has been received by the board or  
657 UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a  
658 position requiring licensure.

659 [(8)] (9) "Endorsement" means a stipulation appended to a license setting forth the  
660 areas of practice to which the license applies.

661 [(9)] (10) "License" means an authorization issued by the board which permits the  
662 holder to serve in a professional capacity in the public schools. The [four] five levels of  
663 licensure are:

664 (a) "letter of authorization," which is:

665 (i) a temporary license issued to a person who has not completed requirements for a  
666 district-specific, charter school-specific, or level 1, 2, or 3 license, such as:

667 (A) a student teacher [or a person hired to perform professional services on an  
668 emergency basis when fully qualified personnel are not available]; or

669 (B) a person participating in an alternative preparation program; or

670 (ii) a license issued, pursuant to board rules, to a person who has achieved eminence,  
671 or has outstanding qualifications, in a field taught in public schools;

672 (b) (i) "district-specific license" which:

673 (A) is a competency-based license issued by a school district to a teacher based on the  
674 teacher's demonstrated teaching skills and abilities; and

675 (B) allows the teacher to teach within the school district; and

676 (ii) "charter school-specific license" which:

677 (A) is a competency-based license issued by a charter school to a teacher based on the  
678 teacher's demonstrated teaching skills and abilities; and

679 (B) allows the teacher to teach at the charter school;

680 ~~(b)~~ (c) "level 1 license," which is a license issued upon completion of an approved  
681 preparation program or an alternative preparation program, or pursuant to an agreement under  
682 the NASDTEC Interstate Contract, to candidates who have also met all ancillary requirements  
683 established by law or rule;

684 ~~(c)~~ (d) "level 2 license," which is a license issued after satisfaction of all requirements  
685 for a level 1 license as well as any additional requirements established by law or rule relating to  
686 professional preparation or experience; and

687 ~~(d)~~ (e) "level 3 license," which is a license issued to an educator who holds a current  
688 Utah level 2 license and has also received, in the educator's field of practice, National Board  
689 certification or a doctorate from an accredited institution.

690 ~~(10)~~ (11) "NASDTEC" means the National Association of State Directors of Teacher  
691 Education and Certification.

692 ~~(11)~~ (12) "NASDTEC Interstate Contract" means the contract implementing Title  
693 53A, Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is  
694 administered through NASDTEC.

695 ~~(12)~~ (13) "National Board certification" means a current certificate issued by the  
696 National Board for Professional Teaching Standards.

697 ~~(13)~~ (14) "Necessarily existent small school" means a school classified as a  
698 necessarily existent small school in accordance with Section 53A-17a-109.

699 ~~(14)~~ (15) "Office" means the Utah State Office of Education.

700 ~~(15)~~ (16) "Rule" means an administrative rule adopted by the board under Title 63,  
701 Chapter 46a, Utah Administrative Rulemaking Act.

702 ~~(16)~~ (17) "School" means a public or private entity which provides educational  
703 services to a minor child.

704 ~~(17)~~ (18) "Small school district" means a school district with an enrollment of less  
705 than 5,000 students.

706 ~~(18)~~ (19) "UPPAC" means the Utah Professional Practices Advisory Commission.  
707 Section 15. Section **53A-6-104** is amended to read:

708 **53A-6-104. Board licensure.**

709 (1) (a) The board may issue licenses for educators.

710 (b) [(†)] A person employed in a position that requires licensure by the board shall hold  
711 the appropriate license.

712 [~~(ii) The board shall issue a letter of authorization permitting a person to be employed  
713 as a classroom teacher if requested by a local school board which has determined that:]~~

714 [~~(A) the person has outstanding professional qualifications or extensive job experience  
715 in the public or private sector in such areas as mathematics, science, business, information  
716 technology, and applied technology; and]~~

717 [~~(B) employment of the person would permit the school district to better meet the  
718 educational goals of students.]~~

719 (2) (a) The board may by rule rank, endorse, or otherwise classify licenses and  
720 establish the criteria for obtaining and retaining licenses.

721 (b)(i) The board shall make rules requiring participation in professional development  
722 activities in order for educators to retain their licenses.

723 (ii) An educator who is enrolling in a course of study at an institution within the state  
724 system of higher education to satisfy the professional development requirements of Subsection  
725 (2)(b)(i) is exempt from tuition, except for a semester registration fee established by the State  
726 Board of Regents, if:

727 (A) the educator is enrolled on the basis of surplus space in the class after regularly  
728 enrolled students have been assigned and admitted to the class in accordance with regular  
729 procedures, normal teaching loads, and the institution's approved budget; and

730 (B) enrollments are determined by each institution under rules and guidelines  
731 established by the State Board of Regents in accordance with findings of fact that space is  
732 available for the educator's enrollment.

733 (3) Unless suspended or revoked by the board, or surrendered by the educator:

734 (a) a letter of authorization is valid for one year, or a shorter period as specified by the  
735 board, subject to renewal by the board in accordance with board rules [~~for a total of not more  
736 than four years of full-time equivalent employment];~~

737 (b) a level 1 license is valid for three years, subject to renewal by the board in  
738 accordance with board rules;

739 (c) a level 2 license is valid for five years, subject to renewal by the board in  
740 accordance with board rules; and

741 (d) a level 3 license is valid for seven years, subject to renewal by the board in  
742 accordance with board rules.

743 Section 16. Section **53A-6-104.5** is enacted to read:

744 **53A-6-104.5. Licensing by competency.**

745 (1) A license to teach may be issued based on the demonstrated competence of a  
746 teacher as provided in this section.

747 (2) A school district or charter school may employ a candidate for a competency-based  
748 license if the candidate meets the following qualifications:

749 (a) as a prerequisite for employment, a license candidate who teaches one or more core  
750 academic subjects in an elementary school shall:

751 (i) hold at least a bachelor's degree; and

752 (ii) have demonstrated, by passing a rigorous state test, subject knowledge and teaching  
753 skills in reading, writing, mathematics, and other areas of the basic elementary school  
754 curriculum;

755 (b) as a prerequisite for employment, a license candidate who teaches one or more core  
756 academic subjects in a middle or secondary school shall:

757 (i) hold at least a bachelor's degree; and

758 (ii) have demonstrated a high level of competency in each of the academic subjects in  
759 which the teacher teaches by:

760 (A) passing a rigorous state academic subject test in each of the academic subjects in  
761 which the teacher teaches; or

762 (B) successful completion, in each of the academic subjects in which the teacher  
763 teaches, of an academic major, a graduate degree, course work equivalent to an undergraduate  
764 academic major, or advanced certification or credentialing; or

765 (c) as a prerequisite for employment, a license candidate who teaches subjects other  
766 than a core academic subject in an elementary, middle, or high school shall:

767 (i) hold a bachelor's degree, associate's degree, or skill certification; and

768 (ii) have skills, talents, or abilities, as evaluated by the employing entity, that make the  
769 person suited for the teaching position.

770 (3) At the request of a school district or charter school, the board shall issue a letter of  
771 authorization permitting a person meeting the qualifications specified in Subsection (2) to be  
772 employed by the school district or charter school.

773 (4) A school district or charter school:

774 (a) shall monitor and assess the performance of each candidate for a competency-based  
775 license; and

776 (b) may award a candidate a district-specific or charter school-specific license if the  
777 candidate:

778 (i) completes a minimum of one year full-time employment experience; and

779 (ii) demonstrates competence in the skills relevant to the teaching position held by the  
780 candidate.

781 (5) In lieu of, or in addition to, awarding a license candidate a district-specific or  
782 charter-school specific license, a school district or charter school may recommend that the  
783 license candidate's training and assessment be reviewed by the Utah State Office of Education  
784 for a level 1 license.

785 Section 17. Section **53A-6-110** is enacted to read:

786 **53A-6-110. Administrative/supervisory letters of authorization.**

787 (1) A local school board may request, and the State Board of Education may grant, a  
788 letter of authorization permitting a person with outstanding professional qualifications to serve  
789 in any position that requires a person to hold an administrative/supervisory license or  
790 certificate, including principal, assistant principal, associate principal, vice principal, assistant  
791 superintendent, administrative assistant, director, specialist, or other district position.

792 (2) The State Board of Education may grant a letter of authorization permitting a  
793 person with outstanding professional qualifications to serve in any position at the State Office  
794 of Education that requires a person to hold an administrative/supervisory license or certificate.

795 Section 18. Section **53A-6-502** is amended to read:

796 **53A-6-502. Mandatory reporting of physical or sexual abuse of students.**

797 (1) For purposes of this section, "educator" means, in addition to a person included  
798 under [Subsection] Section 53A-6-103[(7)], a person, including a volunteer or temporary  
799 employee, who at the time of an alleged offense was performing a function in a private school  
800 for which a license would be required in a public school.

801 (2) In addition to any duty to report suspected cases of child abuse or neglect under  
802 Section 62A-4a-403, an educator who has reasonable cause to believe that a student may have  
803 been physically or sexually abused by a school employee shall immediately report the belief  
804 and all other relevant information to the school principal, superintendent, or to the office.

805 (3) A school administrator who has received a report under Subsection (2) or who  
806 otherwise has reasonable cause to believe that a student may have been physically or sexually  
807 abused by an educator shall immediately report that information to the office.

808 (4) Failure to comply with Subsection (2) or (3) shall be considered unprofessional  
809 conduct.

810 (5) A person who makes a report under this section in good faith shall be immune from  
811 civil or criminal liability that might otherwise arise by reason of that report.

812 Section 19. Section **53A-8-106** is amended to read:

813 **53A-8-106. Career employee status for provisional employees.**

814 (1) A provisional employee must work for a school district on at least a half-time basis  
815 for three consecutive years to obtain career employee status.

816 (2) Policies of an employing school district shall determine the status of a career  
817 employee in the event of the following:

818 (a) the employee accepts a position which is substantially different from the position in  
819 which career status was achieved; or

820 (b) the employee accepts employment in another school district.

821 (3) If an employee who is under an order of probation or remediation in one  
822 assignment in a school district is transferred or given a new assignment in the district, the order  
823 shall stand until its provisions are satisfied.

824 (4) An employee who is given extra duty assignments in addition to a primary  
825 assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary  
826 employee in those extra duty assignments and may not acquire career status beyond the primary  
827 assignment.

828 (5) A teacher is an at-will employee and is not eligible for career employee status if the  
829 teacher:

830 (a) holds a letter of authorization and is a candidate for a competency-based license  
831 pursuant to Section 53A-6-104.5; or

832 (b) holds a district-specific license issued under Section 53A-6-104.5 and does not  
833 hold a level 1, 2, or 3 license as defined in Section 53A-6-103.

834 Section 20. Section **53A-10-103** is amended to read:

835 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

836 (1) Each local school board shall develop an evaluation program in consultation with  
837 its educators through appointment of a joint committee.

838 (2) The joint committee shall be comprised of an equal number of classroom teachers,  
839 parents, and administrators appointed by the board.

840 (3) A board may appoint members of the joint committee from a list of nominees;

841 (a) voted on by classroom teachers in a nomination election [~~and from a list of~~  
842 nominees];

843 (b) voted on by the administrators in a nomination election[-]; and

844 (c) of parents submitted by community councils within the district.

845 (4) The evaluation program developed by the joint committee must comply with the  
846 requirements of Section 53A-10-106.

847 Section 21. Section **53A-13-108** is enacted to read:

848 **53A-13-108. Curriculum and graduation requirements.**

849 (1) The State Board of Education shall establish curriculum and graduation  
850 requirements under Section 53A-1-402 for grades 9 through 12 that, beginning no later than  
851 with the graduating class of 2007, require at least the following credits or their equivalents in a  
852 competency-based system:

853 (a) 4.0 units of credit in language arts;

854 (b) 3.0 units of credit in mathematics; and

855 (c) 3.0 units of credit in science.

856 (2) School districts may allow students to earn credit by any of the following methods:

857 (a) successful completion of secondary school courses;

858 (b) successful completion of concurrent enrollment classes consistent with Section  
859 53A-17a-120;

860 (c) demonstrated competence;

861 (d) assessment;

862 (e) review of student work or projects; or

863 (f) following successful completion of correspondence or electronic coursework  
864 offered by an accredited education institution.

865 Section 22. Section **53A-17a-149** is enacted to read:

866 **53A-17a-149. Competency-based Education Block Grant Program -- State**  
867 **contributions.**

868 (1) There is appropriated to the State Board of Education for the fiscal year beginning  
869 July 1, 2003, \$16,250,000 from the Uniform School Fund for the Competency-based Education  
870 Block Grant Program.

871 (2) The State Board of Education shall distribute the appropriation under Subsection  
872 (1) to school districts and charter schools according to a formula adopted by the board, after  
873 consultation with school districts and charter schools, that allocates the funding in a fair and  
874 equitable manner.

875 (3) School districts and charter schools shall use their Competency-based Education  
876 Block Grant monies to improve student academic progress in core academic subjects through  
877 the implementation of competency-based education, as measured by individual progress-based  
878 assessments, including remediation for students not individually progressing.

879 (4) Each local school board shall, in an open public meeting, approve a plan to spend  
880 Competency-based Education Block Grant monies in accordance with this section.

881 Section 23. Section **53A-17a-150** is enacted to read:

882 **53A-17a-150. Appropriation for school districts with declining enrollment.**

883 (1) For fiscal year 2003-04 only, there is appropriated \$4,750,000 from the Uniform  
884 School Fund to the State Board of Education to be distributed to school districts that:

885 (a) experience a net decline in enrollment in the 2003-04, 2004-05, or 2005-06 school  
886 year; and

887 (b) all or a part of the decline can be attributed to the enactment of Section 59-7-616,  
888 59-10-136, or 59-10-137.

889 (2) The appropriation under Subsection (1) shall be nonlapsing.

890 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
891 board shall make rules establishing criteria and procedures for the distribution of funds  
892 appropriated under Subsection (1).

893 Section 24. Section **59-7-616** is enacted to read:

894 59-7-616. Tax credit for contributions to scholarship granting organizations --

895 **Definitions -- Duties of scholarship granting organizations -- Penalties.**

896 (1) As used in this section:

897 (a) (i) "Private school" means an elementary or secondary school within this state that:

898 (A) is not owned and controlled by a governmental entity;

899 (B) provides instruction for one or more grades kindergarten through 12; and

900 (C) at which the compulsory attendance requirements of Section 53A-11-101 may be

901 met.

902 (ii) "Private school" does not include a home school.

903 (b) (i) "Qualifying student" means, except as provided in Subsection (1)(b)(ii), an

904 individual:

905 (A) who is enrolled at a private school as a full-time student as determined by the

906 private school, but is not also:

907 (I) enrolled in or attending a public school; and

908 (II) participating in dual enrollment under Section 53A-11-102.5;

909 (B) for whom the private school has on file a release of information form;

910 (C) who will be under 19 years of age on the last day of the school year as determined

911 by the private school or, if the individual is disabled and has not graduated from high school

912 with a regular diploma, will be under 22 years of age on the last day of the school year as

913 determined by the private school;

914 (D) who is a Utah resident; and

915 (E) who meets one or more of the following criteria:

916 (I) the individual was not enrolled at a private school between July 1, 2002 and January

917 1, 2003; or

918 (II) the individual is a member of a household as defined in 7 C.F.R. Sec. 245.2 whose

919 household income as determined under 7 C.F.R. Part 245, Determining Eligibility for Free and

920 Reduced Price Meals and Free Milk in Schools, is less than 100% of the reduced price meals

921 income eligibility guideline for the applicable household size as published by the U.S.

922 Department of Agriculture by notice in the Federal Register.

923 (ii) "Qualifying student" does not include a private school student while enrolled in

924 kindergarten during the 2003-04 school year.

925 (c) "Release of information form" means a form developed by a private school that:  
926 (i) states that a parent of a qualifying student consents to the release of the information  
927 contained in the school tuition certificate; and

928 (ii) is consistent with the requirements of 20 U.S.C. Sec. 1232g, Family Educational  
929 Rights and Privacy Act of 1974.

930 (d) "Scholarship granting organization" means an organization that:

931 (i) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and

932 (ii) makes tuition grants to qualifying students to attend private schools in this state.

933 (e) "School tuition certificate" means a certificate developed by a private school that:

934 (i) is issued by the private school to the first taxpayer or scholarship granting  
935 organization that during the calendar year:

936 (A) makes a:

937 (I) tuition grant to a qualifying student in accordance with this section or Section  
938 59-10-136; or

939 (II) tuition payment on behalf of a qualifying student in accordance with Section  
940 59-10-137; and

941 (B) requests the certificate from the private school; and

942 (ii) lists:

943 (A) the name of the qualifying student:

944 (I) receiving a tuition grant in accordance with this section or Section 59-10-136; or

945 (II) on behalf of whom a tuition payment is made in accordance with Section  
946 59-10-137;

947 (B) the calendar year for which the school tuition certificate is issued; and

948 (C) the value of the weighted pupil unit on the first day of the calendar year described  
949 in Subsection (1)(e)(ii)(B).

950 (f) "Value of the weighted pupil unit" means the amount specified in Section

951 53A-17a-103 that is multiplied by the number of weighted pupil units to yield the funding level  
952 for the basic state-supported school program.

953 (2) (a) For taxable years beginning on or after January 1, 2003, a taxpayer may claim a  
954 nonrefundable tax credit against the taxes imposed by this chapter as provided in this section  
955 for monetary contributions:

956 (i) the taxpayer makes during a taxable year to a scholarship granting organization; and  
957 (ii) that will be used to make tuition grants, in accordance with Subsections (5) through  
958 (7), to qualifying students to attend private school.

959 (b) The maximum tax credit that may be claimed under this section is 20% of the  
960 taxpayer's tax liability imposed by this chapter.

961 (3) The tax credit provided for in this section may not be carried forward or carried  
962 back.

963 (4) A scholarship granting organization shall within 30 days after the day on which a  
964 taxpayer seeking to claim a tax credit under this section or Section 59-10-136 makes a  
965 contribution to the scholarship granting organization, provide to the taxpayer a written  
966 statement:

967 (a) certifying that the contribution shall be used to make tuition grants, in accordance  
968 with Subsections (5) through (7), to qualifying students to attend private schools; and

969 (b) listing the amount of the contribution.

970 (5) A scholarship granting organization shall make tuition payments for a qualifying  
971 student receiving a tuition grant funded from a contribution for which the scholarship granting  
972 organization issues a written statement in accordance with Subsection (4) to any private school  
973 in this state that is not under an injunction from the Division of Consumer Protection in  
974 accordance with Section 59-7-618, as selected by a parent of the qualifying student.

975 (6) (a) A scholarship granting organization may make a tuition grant during a calendar  
976 year to a qualifying student from a contribution for which the scholarship granting organization  
977 issues a written statement in accordance with Subsection (4), if the scholarship granting  
978 organization during the calendar year:

979 (i) does not make tuition grants to that qualifying student from a contribution for which  
980 the scholarship granting organization issues a written statement in accordance with Subsection  
981 (4) the total amount of which exceeds the amount specified in Subsection (6)(b); and

982 (ii) obtains from the private school a school tuition certificate listing the name of that  
983 qualifying student.

984 (b) For the purpose of Subsection (6)(a), a scholarship granting organization may make  
985 tuition grants to:

986 (i) a qualifying student enrolled in private school for only kindergarten during the

987 calendar year in an amount not to exceed the greater of:  
988       (A) \$586; or  
989       (B) \$586 adjusted by the percentage increase in the value of the weighted pupil unit  
990 from January 1, 2003 to the first day of the calendar year for which the private school issues the  
991 school tuition certificate in accordance with this section;  
992       (ii) a qualifying student enrolled in private school for both kindergarten and a higher  
993 grade during the calendar year in an amount not to exceed the greater of:  
994       (A) \$1,652; or  
995       (B) \$1,652 adjusted by the percentage increase in the value of the weighted pupil unit  
996 from January 1, 2003 to the first day of the calendar year for which the private school issues the  
997 school tuition certificate in accordance with this section; and  
998       (iii) a qualifying student enrolled in private school for only grades 1-12 during a  
999 calendar year in an amount not to exceed the greater of:  
1000       (A) \$2,132; or  
1001       (B) the value of the weighted pupil unit on the first day of the calendar year for which  
1002 the private school issues the school tuition certificate in accordance with this section.  
1003       (c) A private school may not issue more than one school tuition certificate during a  
1004 calendar year that lists the name of a particular qualifying student.  
1005       (d) (i) A scholarship granting organization shall pay to the commission a penalty  
1006 calculated under Subsection (6)(d)(ii) if during a calendar year the scholarship granting  
1007 organization makes one or more tuition grants to a qualifying student:  
1008       (A) that exceed the total amount described in Subsections (6)(a) and (6)(b); or  
1009       (B) without obtaining from the private school a school tuition certificate listing the  
1010 name of that qualifying student.  
1011       (ii) (A) The penalty for making tuition grants to a qualifying student that exceed the  
1012 total amount described in Subsections (6)(a) and (6)(b) is an amount equal to the difference  
1013 between:  
1014       (I) the total amount described in Subsections (6)(a) and (6)(b); and  
1015       (II) the total amount of tuition grants the scholarship granting organization makes to  
1016 the qualifying student during a calendar year from a contribution for which the scholarship  
1017 granting organization issues a written statement in accordance with Subsection (4).

1018           (B) The penalty for making tuition grants to a qualifying student without obtaining a  
1019 school tuition certificate for the student is an amount equal to the total amount of tuition grants  
1020 the scholarship granting organization makes to the qualifying student during a calendar year  
1021 from a contribution for which the scholarship granting organization issues a written statement  
1022 in accordance with Subsection (4).

1023           (e) The commission shall deposit any penalties the commission collected under this  
1024 Subsection (6) into the Uniform School Fund.

1025           (7) (a) A scholarship granting organization shall expend at least 98% of each  
1026 contribution for which the organization issues a written statement in accordance with  
1027 Subsection (4):

1028           (i) for tuition grants to qualifying students to attend private schools in this state; and  
1029           (ii) within a 12-month period after the day on which the organization receives the  
1030 contribution.

1031           (b) A scholarship granting organization may expend up to 2% of each contribution for  
1032 which the organization issues a written statement in accordance with Subsection (4) to  
1033 administer the tuition grant program.

1034           (c) A scholarship granting organization that fails to comply with the requirements of  
1035 Subsection (7)(a) shall pay to the commission a penalty equal to the sum of:

1036           (i) the amount that is not spent in accordance with Subsection (7)(a); and  
1037           (ii) the interest or earnings the scholarship granting organization receives on the  
1038 amount that is not spent in accordance with Subsection (7)(a).

1039           (d) The commission shall deposit any penalties the commission collects under this  
1040 Subsection (7) into the Uniform School Fund.

1041           (8) A scholarship granting organization that receives contributions from taxpayers  
1042 seeking a tax credit pursuant to this section or Section 59-10-136 shall provide to the  
1043 commission an annual audit conducted by an independent certified public accountant that  
1044 includes a:

1045           (a) financial audit of its accounts and records; and  
1046           (b) compliance audit of the requirements under this section and Section 59-10-136.

1047           (9) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
1048 commission may make rules requiring scholarship granting organizations to verify that each

1049 tuition grant recipient meets the requirements of a qualifying student under Subsection (1)(b).

1050 (10) In accordance with Title 63, Chapter 46b, Administrative Procedures Act, the  
1051 commission may enjoin a scholarship granting organization that fails to comply with this  
1052 section from accepting contributions from taxpayers seeking to claim a tax credit under this  
1053 section or Section 59-10-136 for a period of up to one year.

1054 (11) Nothing in this section or Section 13-2-1, 59-7-617, 59-10-136, or 59-10-137  
1055 grants additional authority to any state agency or school district to regulate private schools,  
1056 except as expressly set forth in these sections.

1057 Section 25. Section **59-7-617** is enacted to read:

1058 **59-7-617. Private school requirements -- School tuition certificates -- Enforcement**  
1059 **-- Orders.**

1060 (1) As used in this section:

1061 (a) "Private school" is as defined in Section 59-7-616.

1062 (b) "School tuition certificate" is as defined in Section 59-7-616.

1063 (2) A private school may not issue a school tuition certificate unless it:

1064 (a) (i) annually assesses the achievement of each student for which a tuition tax credit  
1065 certificate is issued by administering a standardized achievement test scored by an independent  
1066 party that provides a comparison of the student's performance to other students on a national  
1067 basis; and

1068 (ii) (A) reports the test results to the student's parents; and

1069 (B) upon request, makes tests results available to other persons, in a manner that does  
1070 not reveal the identity of any student;

1071 (b) provides to parents the relevant credentials of teachers who will be teaching their  
1072 children;

1073 (c) provides to parents a statement indicating which, if any, organizations have  
1074 accredited the private school; and

1075 (d) has not been enjoined from issuing school tuition certificates in accordance with  
1076 Subsection (3).

1077 (3) (a) The Division of Consumer Protection may use its enforcement powers to  
1078 investigate complaints and convene administrative hearings for a violation of Subsection (2).

1079 (b) If the Division of Consumer Protection finds repeated and willful violations of

1080 Subsection (2), it shall issue an order that enjoins the private school from issuing a school  
1081 tuition certificate for the subsequent school year.

1082 Section 26. Section **59-10-136** is enacted to read:

1083 **59-10-136. Tax credit for contributions to scholarship granting organizations --**

1084 **Definitions -- Duties of scholarship granting organizations -- Penalties.**

1085 (1) As used in this section:

1086 (a) "Private school" is as defined in Section 59-7-616.

1087 (b) "Qualifying student" is as defined in Section 59-7-616.

1088 (c) "Scholarship granting organization" is as defined in Section 59-7-616.

1089 (d) "School tuition certificate" is as defined in Section 59-7-616.

1090 (e) "Value of the weighted pupil unit" is as defined in Section 59-7-616.

1091 (2) For taxable years beginning on or after January 1, 2003, a taxpayer may claim a  
1092 nonrefundable tax credit against the taxes imposed by this chapter as provided in this section  
1093 for monetary contributions:

1094 (a) the taxpayer makes during a taxable year to a scholarship granting organization; and

1095 (b) that will be used to make tuition grants, in accordance with Section 59-7-616 and  
1096 rules adopted by the commission under that section, to qualifying students to attend private  
1097 school.

1098 (3) The tax credit provided for in this section may not be carried forward or carried  
1099 back.

1100 (4) A scholarship granting organization shall provide a written statement to a taxpayer  
1101 seeking to claim a tax credit under this section in accordance with Section 59-7-616.

1102 Section 27. Section **59-10-137** is enacted to read:

1103 **59-10-137. Nonrefundable tuition tax credit -- Definitions.**

1104 (1) As used in this section:

1105 (a) "Private school" is as defined in Section 59-7-616.

1106 (b) "Qualifying student" is as defined in Section 59-7-616.

1107 (c) "School tuition certificate" is as defined in Section 59-7-616.

1108 (d) "Value of the weighted pupil unit" is as defined in Section 59-7-616.

1109 (2) For taxable years beginning on or after January 1, 2003, a taxpayer may claim a  
1110 nonrefundable tax credit against the taxes imposed by this chapter as provided in this section

- 1111 for amounts paid to a private school for tuition:
- 1112 (a) on behalf of a qualifying student; and
- 1113 (b) during the taxable year.
- 1114 (3) (a) For a taxable year, the amount of tax credit that a taxpayer may claim under this
- 1115 section for a qualifying student on whose behalf the taxpayer paid tuition in accordance with
- 1116 Subsection (2) may not exceed the amounts specified in Subsection (3)(b).
- 1117 (b) For the purpose of Subsection (3)(a), a taxpayer may claim a tax credit for tuition
- 1118 paid on behalf of:
- 1119 (i) a qualifying student enrolled in private school for only kindergarten during the
- 1120 taxable year in an amount not to exceed the lesser of:
- 1121 (A) the amount of tuition the taxpayer paid on behalf of the qualifying student during
- 1122 the taxable year; or
- 1123 (B) the greater of:
- 1124 (I) \$586; or
- 1125 (II) \$586 adjusted by the percentage increase in the value of the weighted pupil unit
- 1126 from January 1, 2003 to the first day of the calendar year for which the private school issues the
- 1127 school tuition certificate in accordance with Section 59-7-616;
- 1128 (ii) a qualifying student enrolled in private school for both kindergarten and a higher
- 1129 grade during the taxable year in an amount not to exceed the lesser of:
- 1130 (A) the amount of tuition the taxpayer paid on behalf of the qualifying student during
- 1131 the taxable year; or
- 1132 (B) the greater of:
- 1133 (I) \$1,652; or
- 1134 (II) \$1,652 adjusted by the percentage increase in the value of the weighted pupil unit
- 1135 from January 1, 2003 to the first day of the calendar year for which the private school issues the
- 1136 school tuition certificate in accordance with Section 59-7-616; and
- 1137 (iii) a qualifying student enrolled in private school for only grades 1-12 during the
- 1138 taxable year in an amount not to exceed the lesser of:
- 1139 (A) the amount of tuition the taxpayer paid on behalf of the qualifying student during
- 1140 the taxable year; or
- 1141 (B) the greater of:

1142 (I) \$2,132; or  
1143 (II) the value of the weighted pupil unit on the first day of the calendar year for which  
1144 the private school issues the school tuition certificate in accordance with this section.

1145 (4) The tax credit provided for in this section may not be carried forward or carried  
1146 back.

1147 (5) A taxpayer may claim a tax credit under this section for a taxable year only if the  
1148 taxpayer obtains from a private school a school tuition certificate listing the name of the  
1149 qualifying student on whose behalf the taxpayer paid tuition in accordance with Subsection (2).

1150 (6) A private school may not issue more than one school tuition certificate during a  
1151 calendar year that lists the name of a particular qualifying student.

1152 Section 28. Section **63-55b-153** is amended to read:

1153 **63-55b-153. Repeal dates -- Titles 53 and 53A.**

1154 (1) Subsection 53-3-205(9)(a)(i)(D) is repealed July 1, 2007.

1155 (2) Subsection 53-3-804(2)(g) is repealed July 1, 2007.

1156 [~~3~~] Subsection 53-5-710(4) pertaining to restrictions at Olympic venue secure areas is  
1157 repealed April 1, 2002.]

1158 [~~4~~] (3) Title 53, Chapter 12, State Olympic Public Safety Command Act, is repealed  
1159 July 1, 2003.

1160 [~~5~~] Section 53-12-301.1 is repealed April 1, 2002.]

1161 [~~6~~] (4) Section 53A-1-403.5 is repealed July 1, 2007.

1162 [~~7~~] Section 53A-3-602 is repealed July 1, 2002.]

1163 (5) Section 53A-17a-150 is repealed July 1, 2006.

1164 Section 29. **Legislative finding -- State Board of Education study and**  
1165 **recommendations -- Reports.**

1166 (1) The Legislature finds that a free public education should:

1167 (a) prepare each student for the student's choice of higher education or gainful  
1168 employment, focusing on the core academic skills of reading, writing, science, and  
1169 mathematics, balanced with exposure to the arts which will enable students, through teamwork  
1170 and cooperation, to:

1171 (i) communicate effectively, both verbally and through written communication;

1172 (ii) apply mathematics; and

- 1173 (iii) access, analyze, and apply information; and  
1174 (b) train students in the key attributes required for successful living including those  
1175 described in "What Work Requires of Schools: A SCANS Report for America 2000" from the  
1176 Secretary's Commission on Achieving Necessary Skills of the U.S. Department of Labor.  
1177 (2) In accordance with the findings described under Subsection (1), the State Board of  
1178 Education shall study and make recommendations for:  
1179 (a) aligning responsibility, authority, accountability, and funding for the State Board of  
1180 Education, state superintendent, and local school districts;  
1181 (b) an improved environment of academic achievement;  
1182 (c) implementing competency-based progress and measurement systems that allow  
1183 each student to continually progress within and between course levels at an individual optimal  
1184 rate;  
1185 (d) assuring that each high school senior is progressing in challenging courses;  
1186 (e) developing, with employers, trades, professions, and the State Board of Regents  
1187 competency standards for progress or graduation;  
1188 (f) improving methods of motivating school districts to increase academic discipline,  
1189 including reduced cutting of classes by students and utilizing means such as closed campuses;  
1190 (g) implementing a progress-based assessment system that continually tracks individual  
1191 student progress each year in each of the core academic areas by:  
1192 (i) tracking student progress from year to year on a longitudinal basis, rather than  
1193 aggregate levels of performance;  
1194 (ii) utilizing national norm-referenced tests as benchmarks, so that the progress of Utah  
1195 students can be compared to the progress of students in other states and the nation;  
1196 (iii) providing progress assessment data that follow each student wherever that student  
1197 attends schools in the state; and  
1198 (iv) making the assessment data available to parents to permit them to make fully  
1199 informed decisions regarding the districts, schools, and teachers they wish to involve in the  
1200 educational process for their children;  
1201 (h) developing methods to increase school choice among public schools, including  
1202 intradistrict and interdistrict transfers, and expansion of alternative schools such as charter  
1203 schools and New Century schools;

1204 (i) aligning the current funding mechanisms with the priorities of the strategy focusing  
1205 on core academics, to include financial incentives and consequences;

1206 (j) developing a new incremental state funding mechanism for public education that:

1207 (i) motivates school districts to focus on achieving value-added progress in core  
1208 academics;

1209 (ii) is tied to the progress-based assessment system described under Subsection (2)(g);

1210 (iii) provides funding details, including adjustments for mobility; and

1211 (iv) provides school districts, parents, students, and educators an economic incentive  
1212 for developing economic efficiencies in the delivery of instruction;

1213 (k) remediating schools and districts that do not meet appropriate standards based on  
1214 the progress-based assessment described above, including possible transfer of control to the  
1215 State Board of Education;

1216 (l) developing ways to meet a variety of learning styles;

1217 (m) developing savings through building utilization, including double sessions and  
1218 year-round schedules; and

1219 (n) implementing other best demonstrated practices of other states and their school  
1220 districts that are achieving significant improvement in core academic progress.

1221 (3) (a) By August 15, 2003, the State Board of Education shall submit an initial report  
1222 to the governor's office for use at the State Education Summit Meeting.

1223 (b) The State Board of Education shall make at least three annual reports on the issues  
1224 described under Subsection (2) to the Education Interim Committee.

1225 (c) A final report, including any proposed legislation, shall be presented to the  
1226 Education Interim Committee prior to November 30, 2003, 2004, and 2005.

1227 Section 30. **Education Interim Committee -- Request for proposals --**

1228 **Appropriation.**

1229 (1) The Education Interim Committee, after consultation with the State Board of  
1230 Education, shall issue a three-stage request for proposals responding to Utah's need to stretch  
1231 educational dollars and improve student performance, including:

1232 (a) the core definition and mission of public education in the state;

1233 (b) how the following features could be used to accelerate student progress and  
1234 achievement:

- 1235 (i) daily and weekly competency-based progress;
- 1236 (ii) self-paced progress;
- 1237 (iii) new curriculum structures;
- 1238 (iv) new information technology;
- 1239 (v) new classroom operation processes;
- 1240 (vi) new student and teacher support mechanisms; and
- 1241 (vii) use of the Internet; and

1242 (c) how the components described under Subsection (1)(b) can be aligned and  
1243 harmonized to reduce delivery costs and overhead, including administration and clerical work.

1244 (2) The issuance of the request for proposals under Subsection (1) shall proceed as  
1245 follows:

- 1246 (a) a general and widely advertised invitation for preliminary proposals;
- 1247 (b) a selection of up to three promising proposals for the development of a complete  
1248 proposal, but promising consideration of all complete proposals developed with private funds;  
1249 and

1250 (c) a selection of one or more of the final proposals for recommendation to the  
1251 Legislature and the educational community for developmental funding and implementation.

1252 (3) There is appropriated from the General Fund for fiscal year 2002-03 only, \$150,000  
1253 to the Office of Legislative Research and General Counsel for the Education Interim  
1254 Committee to issue the request for proposals described in this section.

1255 (4) By August 15, 2003, the Education Interim Committee shall submit an initial report  
1256 to the governor's office for use at the State Education Summit Meeting.

1257 **Section 31. Public Education Appropriations Subcommittee -- Study -- Report.**

1258 (1) The Public Education Appropriations Subcommittee shall study and make  
1259 recommendations for:

- 1260 (a) the Competency-based Education Block Grant Program under Section  
1261 53A-17a-149, the Class Size Reduction Reward Block Grant Program under Section  
1262 53A-17a-151, and other programs, including the amount and allocation of public education  
1263 monies, based upon both new public education monies and the reallocation of monies required  
1264 to implement:

1265 (i) progress-based assessments;

- 1266 (ii) a weighted competency unit that distributes public education monies based on  
1267 numbers of grade level achieved as measured by the progress-based assessments;  
1268 (iii) a plan to assist students, teachers, schools, and districts that need remediation  
1269 based upon Subsections (1)(a)(i) and (ii); and  
1270 (iv) the reallocation of teaching resources from noncore electives into grades 1-3, 7-12  
1271 math, and 7-12 English; and  
1272 (v) a teacher development program focused on achieving progress in core academics;  
1273 and  
1274 (b) other issues that may be recommended by the Public Education Appropriations  
1275 Subcommittee.

- 1276 (2) (a) By August 15, 2003, the Public Education Appropriations Subcommittee shall  
1277 submit an initial report to the governor's office for use at the State Education Summit Meeting.  
1278 (b) A final report shall be presented before November 30, 2003, to the Executive  
1279 Appropriations Committee.

1280 Section 32. **Additional meetings authorized -- Appropriations.**

- 1281 (1) The Education Interim Committee and the Public Education Appropriations  
1282 Subcommittee are each authorized to hold two additional meetings during the 2003 interim.

- 1283 (2) There is appropriated from the General Fund for fiscal year 2002-03 only, the  
1284 following amounts for the additional meetings under Subsection (1):

- 1285 (a) \$4,500 to the Senate to pay for the compensation and expenses of senators on the  
1286 committees;

- 1287 (b) \$10,000 to the House of Representatives to pay for the compensation and expenses  
1288 of representatives on the committees;

- 1289 (c) \$5,000 to the Office of Legislative Research and General Counsel to pay for  
1290 staffing expenses; and

- 1291 (d) \$5,000 to the Office of the Legislative Fiscal Analyst to pay for staffing expenses.

1292 Section 33. **State Board of Regents -- Study.**

- 1293 (1) The State Board of Regents shall study and make recommendations on changes to  
1294 the system of higher education that may be required to accommodate and coordinate with  
1295 public education as public education implements competency-based education and  
1296 progress-based assessments.

1297 (2) By August 15, 2003, the State Board of Regents shall submit a report to the  
1298 governor's office for use at the State Education Summit Meeting.

1299 **Section 34. State Board of Education -- Appropriation.**

1300 (1) There is appropriated for the fiscal year beginning July 1, 2003, \$5,000,000 from  
1301 the Uniform School Fund to the State Office of Education.

1302 (2) The State Board of Education shall use the appropriation under Subsection (1) to:

1303 (a) create a definition of how competency-based educational processes will be  
1304 employed in the public education system;

1305 (b) complete an initial pilot program in competency-based educational processes;

1306 (c) create specifications for developing and implementing:

1307 (i) a progress-based assessment system to measure and monitor individual student  
1308 progress in core academic subjects; and

1309 (ii) a teacher development plan focused on achieving progress in core academic  
1310 subjects;

1311 (d) develop a joint program between public education and higher education to foster  
1312 superior teaching as defined by progress-based assessments in core academic subjects; and

1313 (e) fund those costs of the State Education Summit Meeting that benefit public  
1314 education in this state.

1315 **Section 35. State Education Summit Meeting.**

1316 (1) (a) The governor's office shall organize a State Education Summit Meeting to be  
1317 held after September 1 in 2003.

1318 (b) The State Board of Education and state superintendent of public instruction shall  
1319 provide staff support for the summit meeting.

1320 (2) The participants in the State Education Summit Meeting shall be:

1321 (a) the State Board of Education;

1322 (b) the state superintendent of public instruction;

1323 (c) representatives of local school boards and superintendents;

1324 (d) the Education Interim Committee;

1325 (e) the Public Education Appropriations Subcommittee;

1326 (f) the governor's office;

1327 (g) the State Board of Regents;

- 1328           (h) the commissioner of higher education;  
1329           (i) representatives of Utah's higher education institutions;  
1330           (j) representatives of educators;  
1331           (k) representatives of business, industry, and employers;  
1332           (l) representatives of students' parents; and  
1333           (m) other invited participants.  
1334           (3) The purpose of the State Education Summit Meeting shall be to:  
1335           (a) hear the initial reports of the State Board of Education, the Education Interim  
1336 Committee, the Public Education Appropriations Subcommittee, and State Board of Regents  
1337 required under this act;  
1338           (b) discuss issues relating to this act, including the emphasis on core academic  
1339 subjects, competency-based education, and progress-based assessments; and  
1340           (c) develop plans, coordinate efforts, make recommendations, and propose legislation  
1341 needed to implement this act.  
1342           Section 36. **Retrospective operation.**  
1343           This act has retrospective operation for taxable years beginning on or after January 1,  
1344 2003.