

Senator Thomas V. Hatch proposes the following substitute bill:

PUBLIC EDUCATION AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Thomas V. Hatch

LONG TITLE

General Description:

This bill modifies the State System of Public Education Code and the Election Code relating to the governance of the public education system and the implementation of competency-based education.

Highlighted Provisions:

This bill:

- ▶ modifies the membership and terms of the nominating and recruiting committee that selects candidates for membership on the State Board of Education;
- ▶ provides definitions;
- ▶ requires the State Board of Education to assist school districts and charter schools to develop and implement:
 - competency-based education; and
 - the use of gain scores;
- ▶ modifies educator licensing provisions;
- ▶ requires the State Board of Education to develop and use monetary and nonmonetary incentives, tools, and rewards;
- ▶ requires documentation verifying the qualifications of a person before a competency-based license to teach may be issued; and
- ▶ delays the implementation of new curriculum and graduation requirements.



26 **Monies Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides an immediate effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-14-104**, as last amended by Chapter 315, Laws of Utah 2003

33 **53A-1-409**, as enacted by Chapter 315, Laws of Utah 2003

34 **53A-6-103**, as last amended by Chapter 315, Laws of Utah 2003

35 **53A-6-104.5**, as enacted by Chapter 315, Laws of Utah 2003

36 **53A-6-105**, as repealed and reenacted by Chapter 108, Laws of Utah 1999

37 **53A-13-108**, as enacted by Chapter 315, Laws of Utah 2003



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

40 Section 1. Section **20A-14-104** is amended to read:

41 **20A-14-104. Becoming a candidate for membership on the State Board of**
42 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

43 (1) (a) Persons interested in becoming a candidate for the State Board of Education
44 shall file a declaration of candidacy according to the procedures and requirements of Sections
45 20A-9-201 and 20A-9-202.

46 (b) By May 1 of the year in which a State Board of Education member's term expires,
47 the lieutenant governor shall submit the name of each person who has filed a declaration of
48 candidacy for the State Board of Education to the nominating and recruiting committee for the
49 State Board of Education.

50 (2) ~~[(a)]~~ By November 1 of ~~[2003 and every four years thereafter]~~ the year preceding
51 each regular general election year, a nominating and recruiting committee consisting of ~~[[~~ 12
52 members, each to serve a ~~[four-year]~~ two-year term, shall be appointed by the governor as
53 follows:

54 ~~[(i) one member appointed by the governing board of the Utah Farm Bureau;]~~

55 ~~[(ii) one member appointed by the governing board of the Utah Manufacturer's~~
56 ~~Association;]~~

- 57 ~~[(iii) one member appointed by the governing board of the Utah Taxpayers~~
- 58 ~~Association;]~~
- 59 ~~[(iv) one member appointed by the governing board of the Utah State Chamber of~~
- 60 ~~Commerce;]~~
- 61 ~~[(v) one member jointly appointed by the governing boards of the Utah Food Industry~~
- 62 ~~Association and Utah Retail Merchants Association;]~~
- 63 ~~[(vi) one member appointed by the governing board of the American Federation of~~
- 64 ~~Teachers/Utah;]~~
- 65 ~~[(vii) one member appointed by the governing board of the Utah Education~~
- 66 ~~Association;]~~
- 67 ~~[(viii) one member appointed by the governing board of the Utah Parent Teacher~~
- 68 ~~Association;]~~
- 69 ~~[(ix) one member appointed by the governing board of the Utah School Boards~~
- 70 ~~Association;]~~
- 71 ~~[(x) one member appointed by the governing board of the Utah School Superintendents~~
- 72 ~~Association; and]~~
- 73 ~~[(xi) one at large member appointed by the governor.]~~
- 74 (a) one member shall be appointed to represent each of the following business and
- 75 industry sectors:
- 76 (i) manufacturing and mining;
- 77 (ii) transportation and public utilities;
- 78 (iii) service, trade, and information technology;
- 79 (iv) finance, insurance, and real estate;
- 80 (v) construction; and
- 81 (vi) agriculture; and
- 82 (b) one member shall be appointed to represent each of the following education
- 83 sectors:
- 84 (i) teachers;
- 85 (ii) school administrators;
- 86 (iii) parents;
- 87 (iv) local school board members;

88 (v) charter schools; and

89 (vi) higher education.

90 (3) ~~H~~ (a) ~~h~~ The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)
 91 through (vi) shall be appointed from lists containing at least two names submitted by

92 organizations representing each of the respective sectors.

92a **H (b) AT LEAST ONE MEMBER OF THE NOMINATING AND RECRUITING COMMITTEE SHALL**
 92b **RESIDE WITHIN EACH STATE BOARD DISTRICT IN WHICH A MEMBER'S TERM EXPIRES DURING**
 92c **THE COMMITTEE'S TWO-YEAR TERM OF OFFICE. ~~h~~**

93 ~~[(b)]~~ (4) (a) The members shall elect one member to serve as chair for the committee.

94 ~~[(3)-(a)]~~ (b) The chair, or another member of the committee designated by the chair,
 95 shall schedule and convene all committee meetings.

96 ~~[(b)]~~ (c) Any formal action by the committee requires the approval of a majority of
 97 committee members.

98 ~~[(c)]~~ (d) Members of the nominating and recruiting committee shall serve without
 99 compensation, but they may be reimbursed for expenses incurred in the performance of their
 100 official duties as established by the Division of Finance.

101 ~~[(4)]~~ (5) The nominating and recruiting committee shall:

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

104 (b) prepare a list of candidates for membership on the State Board of Education for
 105 each state board district subject to election in that year using the qualifications under
 106 Subsection ~~[(5)]~~ (6);

107 (c) submit a list of at least three candidates for each state board position to the
 108 governor by July 1; and

109 (d) ensure that the list includes appropriate background information on each candidate.

110 ~~[(5)]~~ (6) The nominating committee shall select a broad variety of candidates who
 111 possess outstanding professional qualifications relating to the powers and duties of the State
 112 Board of Education, including experience in the following areas:

113 (a) business and industry administration;

114 (b) business and industry human resource management;

115 (c) business and industry finance;

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

117 (i) metrics and evaluation;

118 (ii) manufacturing;

- 119 (iii) retailing;
- 120 (iv) natural resources;
- 121 (v) information technology;
- 122 (vi) construction;
- 123 (vii) banking;
- 124 (viii) science and engineering; and
- 125 (ix) medical and healthcare;
- 126 (e) higher education administration;
- 127 (f) applied technology education;
- 128 (g) public education administration;
- 129 (h) public education instruction;
- 130 (i) economic development;
- 131 (j) labor; and
- 132 (k) other life experiences that would benefit the State Board of Education.

133 Section 2. Section **53A-1-409** is amended to read:

134 **53A-1-409. Competency-based education -- Recommendations -- Coordination.**

135 (1) As used in this section:

136 (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or
137 ability that has been organized into a hierarchical arrangement leading to higher levels of
138 knowledge, skill, or ability.

139 (b) "Competency-based education" means an education approach that requires students
140 to acquire a competency and includes a classroom structure and operation that aid and facilitate
141 the acquisition of specified competencies on an individual basis wherein students are allowed
142 to master and demonstrate competencies as fast as they are able.

143 (c) "Gain score" means the measured difference of a student's score at the beginning
144 and end of a time period that may be aggregated at the class, grade, school, and school district
145 levels.

146 (2) The State Board of Education shall:

147 [(+)] (a) provide expertise to and consult with local school boards and school districts
148 relating to competency-based education and progress-based assessments;

149 [(2)] (b) make recommendations to the Public Education Appropriations

150 Subcommittee, including the amount and allocation of public education monies, based upon
 151 both new public education monies and the reallocation of monies required to develop and
 152 implement:

153 ~~[(a)]~~ (i) competency-based education and progress-based assessments;

154 ~~[(b)]~~ (ii) a weighted competency unit that distributes public education monies based on
 155 student achievement resulting from competency-based program objectives, strategies, and
 156 standards;

157 ~~[(c)]~~ (iii) a plan to assist students, teachers, schools, and districts that need remediation
 158 based upon Subsections (2)~~[(a)]~~(b)(i) and ~~[(b)]~~ (ii);

159 ~~[(d)]~~ (iv) the reallocation of teaching resources from noncore electives into grades 1-3,
 160 7-12 math, and 7-12 English; and

161 ~~[(e)]~~ (v) a teacher development program focused on achieving progress in core
 162 academics **H**, **INCLUDING INSTRUCTION IN EXPLICIT, SYSTEMATIC, AND INTENSIVE PHONICS FOR**
 162a **TEACHERS IN GRADES KINDERGARTEN THROUGH 3** **h** [-];

163 (c) assist school districts and charter schools to develop and implement:

164 (i) competency-based education; and

165 (ii) the use of gain scores; and

166 (d) develop and use monetary and nonmonetary incentives, tools, and rewards to
 167 encourage school districts and charter schools to accomplish the items described under
 168 Subsections (2)(a) through (c).

169 Section 3. Section **53A-6-103** is amended to read:

170 **53A-6-103. Definitions.**

171 As used in this chapter:

172 (1) "Accredited institution" means an institution meeting the requirements of Section
 173 53A-6-107.

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

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

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

181 the following:

- 182 (a) minimum grade point average;
- 183 (b) standardized testing or assessment;
- 184 (c) mentoring;
- 185 (d) recency of professional preparation or experience;
- 186 (e) graduation from an accredited institution; or
- 187 (f) evidence relating to moral, ethical, physical, or mental fitness.

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

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

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

195 (c) required completion of a baccalaureate; and

196 (d) included a supervised field experience.

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

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

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

202 (8) "Educator" means:

203 (a) a person who holds a license;

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

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

209 (9) (a) "Endorsement" means a stipulation appended to a license setting forth the areas
210 of practice to which the license applies.

211 (b) An endorsement shall be issued upon completion of a competency-based teacher

212 preparation program from a regionally accredited university that meets state content standards.

213 (10) "License" means an authorization issued by the board which permits the holder to
214 serve in a professional capacity in the public schools. The five levels of licensure are:

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

216 (i) a temporary license issued to a person who has not completed requirements for a
217 competency-based, or level 1, 2, or 3 license, such as:

218 (A) a student teacher; or

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

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

222 (b) "competency-based license" which is issued to a teacher based on the teacher's
223 demonstrated teaching skills and abilities;

224 (c) "level 1 license," which is a license issued upon completion of:

225 (i) a competency-based teacher preparation program from a regionally accredited
226 university; or

227 (ii) an approved preparation program or an alternative preparation program, or pursuant
228 to an agreement under the NASDTEC Interstate Contract, to candidates who have also met all
229 ancillary requirements established by law or rule;

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

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

236 (11) "NASDTEC" means the National Association of State Directors of Teacher
237 Education and Certification.

238 (12) "NASDTEC Interstate Contract" means the contract implementing Title 53A,
239 Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is
240 administered through NASDTEC.

241 (13) "National Board certification" means a current certificate issued by the National
242 Board for Professional Teaching Standards.

243 (14) "Necessarily existent small school" means a school classified as a necessarily
244 existent small school in accordance with Section 53A-17a-109.

245 (15) "Office" means the Utah State Office of Education.

246 (16) "Rule" means an administrative rule adopted by the board under Title 63, Chapter
247 46a, Utah Administrative Rulemaking Act.

248 (17) "School" means a public or private entity which provides educational services to a
249 minor child.

250 (18) "Small school district" means a school district with an enrollment of less than
251 5,000 students.

252 (19) "UPPAC" means the Utah Professional Practices Advisory Commission.

253 Section 4. Section **53A-6-104.5** is amended to read:

254 **53A-6-104.5. Licensing by competency.**

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

257 (2) A local school board or charter school may request, and the State Board of
258 Education shall grant, upon receipt of documentation from the local school board or charter
259 school verifying the person's qualifications as specified in this section, a competency-based
260 license to a person who meets the qualifications specified in this section and Section
261 53A-6-401.

262 (3) A local school board or charter school may request a competency-based license if
263 the candidate meets the following qualifications:

264 (a) a license candidate who teaches one or more core academic subjects in an
265 elementary school shall:

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

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

270 (b) a license candidate who teaches one or more core academic subjects in a middle or
271 secondary school shall:

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

273 (ii) have demonstrated a high level of competency in each of the academic subjects in

274 which the teacher teaches by:

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

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

280 (c) a license candidate who teaches subjects other than a core academic subject in an
281 elementary, middle, or high school shall:

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

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

285 (4) A school district or charter school:

286 (a) shall monitor and assess the performance of each teacher holding a
287 competency-based license; and

288 (b) may recommend that the competency-based license holder's training and
289 assessment be reviewed by the Utah State Office of Education for a level 1 license.

290 Section 5. Section **53A-6-105** is amended to read:

291 **53A-6-105. Licensing fees -- Credit to subfund -- Payment of expenses.**

292 (1) The board shall levy a fee for each new, renewed, or reinstated license or
293 endorsement in accordance with Section 63-38-3.2.

294 (2) Fee payments are credited to the Professional Practices Restricted Subfund in the
295 Uniform School Fund.

296 (3) The board shall pay the expenses of issuing licenses and of UPPAC operations, and
297 the costs of collecting license fees from the restricted subfund.

298 (4) The office shall submit an annual report to the Legislature's Public Education
299 Appropriations Subcommittee informing the Legislature about the fund, fees assessed and
300 collected, and expenditures from the fund.

301 Section 6. Section **53A-13-108** is amended to read:

302 **53A-13-108. Curriculum and graduation requirements.**

303 (1) The State Board of Education shall establish rigorous curriculum and graduation
304 requirements under Section 53A-1-402, and consistent with state and federal regulations, for

305 grades 9 through 12 that, beginning no later than with the graduating class of [~~2007~~] 2008
306 shall:

307 (a) use competency-based standards and assessments;

308 (b) include instruction that stresses general financial literacy from basic budgeting to
309 financial investments, including bankruptcy education; and

310 (c) increase graduation requirements in language arts, mathematics, and science to
311 exceed the existing credit requirements of 3.0 units in language arts, 2.0 units in mathematics,
312 and 2.0 units in science.

313 (2) The State Board of Education shall also establish competency-based standards and
314 assessments for elective courses.

315 **Section 7. Effective date.**

316 If approved by two-thirds of all the members elected to each house, this bill takes effect
317 upon approval by the governor, or the day following the constitutional time limit of Utah
318 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
319 the date of veto override.