

**TEACHER QUALITY AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gregory H. Hughes**

Senate Sponsor: Howard A. Stephenson

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**LONG TITLE**

**General Description:**

This bill creates a program to pilot the development and implementation of performance-based compensation plans for elementary school ~~staff~~ **→ [teachers]** classroom-related **←** and modifies reporting requirements for certain student achievement tests.

**Highlighted Provisions:**

This bill:

▶ directs the State Board of Education to solicit and award grants on a competitive basis to school districts and charter schools to develop and implement performance-based compensation plans for elementary school ~~staff~~ **→ [teachers]** classroom-related **←** ;

▶ requires the performance-based compensation plans to include certain performance criteria; and

▶ requires criterion-referenced test results to be reported by class.

**Monies Appropriated in this Bill:**

This bill appropriates:

▶ as an ongoing appropriation subject to future constraints, \$300,000 from the Uniform School Fund to the State Board of Education.

**Other Special Clauses:**

This bill takes effect on July 1, 2009.

**Utah Code Sections Affected:**

AMENDS:



28           **53A-1-607**, as last amended by Laws of Utah 2007, Chapter 244  
 29           **53A-3-602.5**, as last amended by Laws of Utah 2007, Chapters 112 and 244  
 30           **63I-1-253**, as last amended by Laws of Utah 2008, Chapter 250 and renumbered and  
 31 amended by Laws of Utah 2008, Chapter 382

32 ENACTS:

33           **53A-17a-163**, Utah Code Annotated 1953



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

36           Section 1. Section **53A-1-607** is amended to read:

37           **53A-1-607. Scoring -- Reports of results.**

38           (1) Each local school board and charter school shall submit all answer sheets for the  
 39 achievement tests administered under U-PASS on a per-school and per-class basis to the state  
 40 superintendent of public instruction for scoring unless the test requires scoring by a national  
 41 testing service.

42           (2) The district [~~and~~], school, and class results of the U-PASS testing program, but not  
 43 the score or relative position of individual students, shall be reported to each local school board  
 44 or charter school governing board annually at a regularly scheduled meeting.

45           (3) Each local board and charter school governing board shall make copies of the  
 46 report available to the general public upon request.

47           (4) The board may charge a fee for the copying costs.

48           (5) The State Board of Education shall annually provide to school districts and charter  
 49 schools a comprehensive report for each of their students showing the student's U-PASS test  
 50 results for each year the student took a U-PASS test. School districts and charter schools shall  
 51 give a copy of the comprehensive report to the student's parents and make the report available  
 52 to school staff, as appropriate.

53           Section 2. Section **53A-3-602.5** is amended to read:

54           **53A-3-602.5. School performance report -- Components -- Annual filing.**

55           (1) The State Board of Education in collaboration with the state's school districts and  
 56 charter schools shall develop a school performance report to inform the state's residents of the  
 57 quality of schools and the educational achievement of students in the state's public education  
 58 system.

59 (2) The report shall be written and include the following statistical data for each school  
60 in each school district and each charter school, as applicable, and shall also aggregate the data  
61 at the district and state level:

62 (a) except as provided in Subsection (2)(a)(ii), test scores over the previous year on:

63 (i) norm-referenced achievement tests;

64 (ii) criterion-referenced tests to include the scores aggregated for all students;

65 (A) by grade level or course for the previous two years and an indication of whether  
66 there was a sufficient magnitude of gain in the scores between the two years; and

67 (B) by class;

68 (iii) writing assessments required under Section 53A-1-603; and

69 (iv) tenth grade basic skills competency tests required under Section 53A-1-603;

70 (b) college entrance examinations data, including the number and percentage of each  
71 graduating class taking the examinations for the previous four years;

72 (c) advanced placement and concurrent enrollment data, including:

73 (i) the number of students taking advanced placement and concurrent enrollment  
74 courses;

75 (ii) the number and percent of students taking a specific advanced placement course  
76 who take advanced placement tests to receive college credit for the course;

77 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and  
78 percent who pass the test; and

79 (iv) of those students taking a concurrent enrollment course, the number and percent of  
80 those who receive college credit for the course;

81 (d) the number and percent of students in grade 3 reading at or above grade level;

82 (e) the number and percent of students who were absent from school ten days or more  
83 during the school year;

84 (f) achievement gaps that reflect the differences in achievement of various student  
85 groups as defined by State Board of Education rule;

86 (g) the number and percent of "student dropouts" within the district as defined by State  
87 Board of Education rule;

88 (h) course-taking patterns and trends in secondary schools;

89 (i) student mobility;

90 (j) staff qualifications, to include years of professional service and the number and  
91 percent of staff who have a degree or endorsement in their assigned teaching area and the  
92 number and percent of staff who have a graduate degree;

93 (k) the number and percent of parents who participate in SEP, SEOP, and  
94 parent-teacher conferences;

95 (l) average class size by grade level and subject;

96 (m) average daily attendance as defined by State Board of Education rule, including  
97 every period in secondary schools; and

98 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited  
99 English proficiency, and those students who qualify for free or reduced price school lunch.

100 (3) The State Board of Education, in collaboration with the state's school districts and  
101 charter schools, shall provide for the collection and electronic reporting of the following data  
102 for each school in each school district and each charter school:

103 (a) test scores and trends over the previous four years on the tests referred to in  
104 Subsection (2)(a);

105 (b) the average grade given in each math, science, and English course in grades 9  
106 through 12 for which criteria-referenced tests are required under Section 53A-1-603;

107 (c) incidents of student discipline as defined by State Board of Education rule,  
108 including suspensions, expulsions, and court referrals; and

109 (d) the number and percent of students receiving fee waivers and the total dollar  
110 amount of fees waived.

111 (4) (a) (i) The State Board of Education shall adopt common definitions and data  
112 collection procedures for local school boards and charter schools to use in collecting and  
113 forwarding the data required under Subsections (2) and (3) to the state superintendent of public  
114 instruction.

115 (ii) Average class size by grade and subject shall be calculated for the purposes of  
116 Subsection (2)(l) in accordance with the following:

117 (A) for kindergarten through grade six, average class size by grade shall be calculated  
118 by dividing grade membership on October 1 by the number of classes in the corresponding  
119 grade; and

120 (B) for grades seven through twelve, average class size shall be calculated for core

121 language arts, mathematics, and science courses by dividing membership on October 1 in core  
 122 language arts, mathematics, or science course classes by the number of classes for the  
 123 corresponding course.

124 (b) The state board, through the state superintendent of public instruction, shall adopt  
 125 standard reporting forms and provide a common template for collecting and reporting the data,  
 126 which shall be used by all school districts and charter schools.

127 (c) The state superintendent shall use the automated decision support system referred to  
 128 in Section 53A-1-301 to collect and report the data required under Subsections (2) and (3).

129 (5) The state board, through the state superintendent of public instruction, shall issue its  
 130 report annually by October 1 to include the required data from the previous school year or years  
 131 as indicated in Subsections (2) and (3).

132 (6) (a) Each local school board and each charter school shall receive a written or an  
 133 electronic copy of the report from the state superintendent of public instruction containing the  
 134 data for that school district or charter school in a clear summary format and have it distributed,  
 135 on a one per household basis, to the residence of students enrolled in the school district before  
 136 November 30th of each year.

137 (b) Each local school board, each charter school, and the state board shall have a  
 138 complete report of the statewide data available for copying or in an electronic format at their  
 139 respective offices.

140 Section 3. Section **53A-17a-163** is enacted to read:

141 **53A-17a-163. Performance-based Compensation Pilot Program.**

142 (1) The Performance-based Compensation Pilot Program is created to pilot the  
 143 development and implementation of performance-based compensation plans for elementary  
 144 school ~~and~~ ~~classroom-related staff~~ .

145 (2) From monies appropriated by the Legislature for the Performance-based  
 146 Compensation Pilot Program, the State Board of Education shall award grants to school  
 147 districts and charter schools to develop and implement performance-based compensation plans  
 148 for elementary school ~~and~~ ~~classroom-related staff~~ .

149 (3) The State Board of Education shall:

150 (a) solicit proposals from school districts and charter schools for the use of grant  
 151 monies to develop and implement performance-based compensation plans for elementary

152 school ~~to~~ ~~the~~ ~~of~~ ~~the~~ ~~state~~ ~~board~~ ~~of~~ ~~education~~ ~~to~~ ~~develop~~ ~~and~~ ~~implement~~ ~~a~~ ~~performance-based~~ ~~compensation~~ ~~plan~~ ~~over~~ ~~a~~ ~~two-year~~ ~~period~~ ~~as~~ ~~follows~~:

153 (b) award grants on a competitive basis.

154 (4) To receive a grant, a school district or charter school shall submit a proposal to the

155 State Board of Education to develop and implement a performance-based compensation plan

156 over a two-year period as follows:

157 (a) In the first year, the school district or charter school shall develop, administer, and

158 evaluate performance measures.

159 (b) In the second year, the school district or charter school shall administer

160 performance measures and compensate ~~to~~ ~~the~~ ~~of~~ ~~the~~ ~~state~~ ~~board~~ ~~of~~ ~~education~~ ~~to~~ ~~develop~~ ~~and~~ ~~implement~~ ~~a~~ ~~performance-based~~ ~~compensation~~ ~~plan~~ ~~over~~ ~~a~~ ~~two-year~~ ~~period~~ ~~as~~ ~~follows~~:

160a performance.

161 (c) A performance-based compensation plan shall provide that:

162 (i) student learning gains shall account for 40% of the maximum amount of

163 performance-based compensation that may be awarded to ~~to~~ ~~the~~ ~~of~~ ~~the~~ ~~state~~ ~~board~~ ~~of~~ ~~education~~ ~~to~~ ~~develop~~ ~~and~~ ~~implement~~ ~~a~~ ~~performance-based~~ ~~compensation~~ ~~plan~~ ~~over~~ ~~a~~ ~~two-year~~ ~~period~~ ~~as~~ ~~follows~~:

164 (ii) ~~to~~ ~~the~~ ~~of~~ ~~the~~ ~~state~~ ~~board~~ ~~of~~ ~~education~~ ~~to~~ ~~develop~~ ~~and~~ ~~implement~~ ~~a~~ ~~performance-based~~ ~~compensation~~ ~~plan~~ ~~over~~ ~~a~~ ~~two-year~~ ~~period~~ ~~as~~ ~~follows~~:

164a measured by classroom observations or other

165 instruments shall account for 40% of the maximum amount of performance-based

166 compensation that may be awarded to ~~to~~ ~~the~~ ~~of~~ ~~the~~ ~~state~~ ~~board~~ ~~of~~ ~~education~~ ~~to~~ ~~develop~~ ~~and~~ ~~implement~~ ~~a~~ ~~performance-based~~ ~~compensation~~ ~~plan~~ ~~over~~ ~~a~~ ~~two-year~~ ~~period~~ ~~as~~ ~~follows~~:

167 (iii) the remaining 20% of the maximum amount that may be awarded to ~~to~~ ~~the~~ ~~of~~ ~~the~~ ~~state~~ ~~board~~ ~~of~~ ~~education~~ ~~to~~ ~~develop~~ ~~and~~ ~~implement~~ ~~a~~ ~~performance-based~~ ~~compensation~~ ~~plan~~ ~~over~~ ~~a~~ ~~two-year~~ ~~period~~ ~~as~~ ~~follows~~:

167a employee ~~to~~ ~~the~~ ~~of~~ ~~the~~ ~~state~~ ~~board~~ ~~of~~ ~~education~~ ~~to~~ ~~develop~~ ~~and~~ ~~implement~~ ~~a~~ ~~performance-based~~ ~~compensation~~ ~~plan~~ ~~over~~ ~~a~~ ~~two-year~~ ~~period~~ ~~as~~ ~~follows~~:

168 include a measure of parent, student, or community satisfaction.

169 (d) A proposal shall include a budget and specify the amount of grant monies

170 requested.

171 (e) A school district's proposal may apply to one or more elementary schools within the

172 district.

173 Section 4. Section **63I-1-253** is amended to read:

174 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

175 The following provisions are repealed on the following dates:

176 (1) Section 53-3-232, Conditional licenses, is repealed July 1, 2015.

177 (2) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is

178 repealed July 1, 2010.

179 (3) Title 53A, Chapter 1a, Part 9, Voluntary Extended-day Kindergarten Program, is

180 repealed July 1, 2011.

181 (4) The State Instructional Materials Commission, created in Section 53A-14-101, is

182 repealed July 1, 2011.

183           (5) Section 53A-17a-163, Performance-based Compensation Pilot Program is repealed  
184 July 1, 2011.

185           Section 5. **Appropriation.**

186           As an ongoing appropriation subject to future budget constraints, there is appropriated  
187 \$300,000 from the Uniform School Fund for fiscal year 2009-10 to the State Board of  
188 Education for the Performance-based Compensation Pilot Program.

189           Section 6. **Effective date.**

190           This bill takes effect on July 1, 2009.

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**Legislative Review Note**

as of 2-4-09 10:19 AM

**Office of Legislative Research and General Counsel**

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**H.B. 328 - Teacher Quality Amendments**

**Fiscal Note**

2009 General Session  
State of Utah

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**State Impact**

Enactment of this bill will appropriate \$300,000 ongoing from the Uniform School Fund.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
Uniform School Fund	\$0	\$300,000	\$300,000	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$300,000</b>	<b>\$300,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local school districts will receive the grants outlined in the bill.