

30 **53A-3-602.5**, as last amended by Laws of Utah 2007, Chapters 112 and 244

31 **63I-1-253**, as last amended by Laws of Utah 2008, Chapter 250 and renumbered and
32 amended by Laws of Utah 2008, Chapter 382

33 ENACTS:

34 **53A-17a-163**, Utah Code Annotated 1953



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

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

38 **53A-1-607. Scoring -- Reports of results.**

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

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

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

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

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

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

55 **53A-3-602.5. School performance report -- Components -- Annual filing.**

56 (1) The State Board of Education in collaboration with the state's school districts and
57 charter schools shall develop a school performance report to inform the state's residents of the

58 quality of schools and the educational achievement of students in the state's public education
59 system.

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

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

64 (i) norm-referenced achievement tests;

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

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

68 (B) by class;

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

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

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

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

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

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

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

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

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

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

85 (f) achievement gaps that reflect the differences in achievement of various student

86 groups as defined by State Board of Education rule;

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

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

90 (i) student mobility;

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

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

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

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

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

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

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

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

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

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

112 (4) (a) (i) The State Board of Education shall adopt common definitions and data
113 collection procedures for local school boards and charter schools to use in collecting and

114 forwarding the data required under Subsections (2) and (3) to the state superintendent of
115 public instruction.

116 (ii) Average class size by grade and subject shall be calculated for the purposes of
117 Subsection (2)(1) in accordance with the following:

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

121 (B) for grades seven through twelve, average class size shall be calculated for core
122 language arts, mathematics, and science courses by dividing membership on October 1 in core
123 language arts, mathematics, or science course classes by the number of classes for the
124 corresponding course.

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

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

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

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

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

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

142 **53A-17a-163. Performance-based Compensation Pilot Program.**

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

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

150 (3) The State Board of Education shall:

151 (a) solicit proposals from school districts and charter schools for the use of grant
152 monies to develop and implement performance-based compensation plans for elementary
153 school classroom-related staff; and

154 (b) award grants on a competitive basis.

155 (4) To receive a grant, a school district or charter school shall submit a proposal to the
156 State Board of Education to develop and implement a performance-based compensation plan
157 over a two-year period as follows:

158 (a) In the first year, the school district or charter school shall develop, administer, and
159 evaluate performance measures.

160 (b) In the second year, the school district or charter school shall administer
161 performance measures and compensate classroom-related staff based on performance.

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

163 (i) student learning gains shall account for 40% of the maximum amount of
164 performance-based compensation that may be awarded to an employee;

165 (ii) an employee's instructional quality or performance as measured by classroom
166 observations or other instruments shall account for 40% of the maximum amount of
167 performance-based compensation that may be awarded to an employee; and

168 (iii) the remaining 20% of the maximum amount that may be awarded to an employee
169 shall include a measure of parent, student, or community satisfaction.

170 (d) A proposal shall include a budget and specify the amount of grant monies
171 requested.

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

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

175 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

176 The following provisions are repealed on the following dates:

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

178 (2) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is
179 repealed July 1, 2010.

180 (3) Title 53A, Chapter 1a, Part 9, Voluntary Extended-day Kindergarten Program, is
181 repealed July 1, 2011.

182 (4) The State Instructional Materials Commission, created in Section 53A-14-101, is
183 repealed July 1, 2011.

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

186 Section 5. **Appropriation.**

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

190 Section 6. **Effective date.**

191 This bill takes effect on July 1, 2009.