

Senator Wayne L. Niederhauser proposes the following substitute bill:

**SCHOOL GRADING SYSTEM**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne L. Niederhauser**

House Sponsor: Gregory H. Hughes

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**LONG TITLE**

**General Description:**

This bill establishes a school grading system based on the performance of a school's students on statewide assessments, and for high schools, the graduation rate and measures that indicate college and career readiness.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education to establish a school grading system in which a school receives a grade of A, B, C, D, or F based on the performance of the school's students on statewide assessments, and for a high school, the graduation rate and measures that indicate college and career readiness;
- ▶ specifies the criteria upon which a school grade is based and procedures for determining a school's grade;
- ▶ imposes requirements for the reporting of a school's grade; and
- ▶ directs the State Board of Education to:
  - make rules, as necessary, to implement the school grading system; and
  - make reports and recommendations for proposed legislation to the Education Interim Committee.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63A-3-402**, as last amended by Laws of Utah 2009, Chapter 310

33 ENACTS:

34 **53A-1-1101**, Utah Code Annotated 1953

35 **53A-1-1102**, Utah Code Annotated 1953

36 **53A-1-1103**, Utah Code Annotated 1953

37 **53A-1-1104**, Utah Code Annotated 1953

38 **53A-1-1105**, Utah Code Annotated 1953

39 **53A-1-1106**, Utah Code Annotated 1953

40 **53A-1-1107**, Utah Code Annotated 1953

41 **53A-1-1108**, Utah Code Annotated 1953

42 **53A-1-1109**, Utah Code Annotated 1953

43 **53A-1-1110**, Utah Code Annotated 1953

44 **53A-1-1111**, Utah Code Annotated 1953

45 **53A-1-1112**, Utah Code Annotated 1953

46 **53A-1-1113**, Utah Code Annotated 1953



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

49 Section 1. Section **53A-1-1101** is enacted to read:

**Part 11. School Grading Act**

51 **53A-1-1101. Title.**

52 This part is known as the "School Grading Act."

53 Section 2. Section **53A-1-1102** is enacted to read:

54 **53A-1-1102. Definitions.**

55 As used in this part:

56 (1) "High school" means a school that includes grade 12.

57           (2) "Statewide assessment" means any of the following assessments that are  
58 administered statewide under Part 6, Achievement Tests:

59           (a) a criterion-referenced test of student achievement in language arts, mathematics, or  
60 science, including a test administered in a computer adaptive format; or

61           (b) an online writing assessment.

62           Section 3. Section **53A-1-1103** is enacted to read:

63           **53A-1-1103. State Board of Education to establish school grading system - Report**  
64 **to Education Interim Committee.**

65           (1) The State Board of Education shall establish a school grading system in accordance  
66 with this part in which a school annually is designated a grade of A, B, C, D, or F based on the  
67 performance of the school's students on statewide assessments, and for a high school, the  
68 graduation rate and measures that indicate college and career readiness.

69           (2) The State Board of Education shall:

70           (a) model the school grading system described in this part using school performance  
71 data for the 2010-11 school year;

72           (b) make periodic reports to the Education Interim Committee on the results of the  
73 modeling and suggested modifications to the school grading system; and

74           (c) make recommendations for proposed legislation to the Education Interim  
75 Committee on modifications to the school grading system by the committee's November  
76 meeting.

77           (3) The school grading system shall take effect for the 2011-12 school year and shall  
78 replace the U-PASS accountability system developed and implemented by the State Board of  
79 Education.

80           Section 4. Section **53A-1-1104** is enacted to read:

81           **53A-1-1104. Schools included in grading system.**

82           (1) Except as provided in Subsection (2), a school that has students who take statewide  
83 assessments shall receive a school grade.

84           (2) A school may not receive a school grade, if the number of a school's students tested  
85 is less than the minimum sample size necessary, based on accepted professional practice for  
86 statistical reliability or the prevention of the unlawful release of personally identifiable student  
87 data under 20 U.S.C. Sec. 1232.

88 Section 5. Section **53A-1-1105** is enacted to read:

89 **53A-1-1105. Criteria for determining school grades.**

90 A school's grade shall be based on:

91 (1) the proficiency of a school's students in language arts, mathematics, science, and

92 writing as measured by statewide assessments;

93 (2) learning gains of a school's students on statewide assessments of language arts,

94 mathematics, and science achievement; and

95 (3) for a high school:

96 (a) the graduation rate; and

97 (b) measures indicating college and career readiness.

98 Section 6. Section **53A-1-1106** is enacted to read:

99 **53A-1-1106. Calculation of points earned for students' proficiency in language**  
100 **arts, mathematics, science, and writing.**

101 (1) A school shall receive points for the proficiency of a school's students in language  
102 arts, mathematics, science, and writing as follows:

103 (a) A school shall receive one point for each percent of the school's students who take a  
104 statewide assessment of language arts achievement and score at or above the proficient level.

105 (b) A school shall receive one point for each percent of the school's students who take  
106 a statewide assessment of mathematics achievement and score at or above the proficient level.

107 (c) A school shall receive one point for each percent of the school's students who take a  
108 statewide assessment of science achievement and score at or above the proficient level.

109 (d) A school shall receive 0.5 points for each percent of the school's students who take  
110 a statewide assessment of writing achievement and score at or above the proficient level.

111 (2) (a) A school may earn a maximum of 100 points for each of the criteria listed in  
112 Subsections (1)(a), (1)(b), and (1)(c).

113 (b) A school may earn a maximum of 50 points for the criteria listed in Subsection  
114 (1)(d).

115 Section 7. Section **53A-1-1107** is enacted to read:

116 **53A-1-1107. Calculation of points earned for students' learning gains in language**  
117 **arts, mathematics, and science.**

118 (1) Subject to Subsection (2), a school shall receive points, as determined by the State

119 Board of Education, for students who take a statewide assessment of language arts,  
120 mathematics, or science achievement in two successive years and:

121 (a) maintain a proficient level or higher from one school year to the next; or

122 (b) improve their achievement level from one school year to the next.

123 (2) Points assigned for students who score below the proficient level in the prior school  
124 year and improve their achievement level or score at the proficient level or higher in the current  
125 year shall be double the number of points assigned for students who maintain a proficient level  
126 from one school year to the next.

127 (3) A school may earn a maximum of 350 points for the criteria described in  
128 Subsection (1).

129 Section 8. Section **53A-1-1108** is enacted to read:

130 **53A-1-1108. Calculation of additional points earned for high school graduation**  
131 **and college and career readiness.**

132 (1) In addition to the points described in Sections 53A-1-1106 and 53A-1-1107 and  
133 subject to Subsection (2), a high school shall receive points, as determined by the State Board  
134 of Education, for:

135 (a) the percent of students who graduate from high school; and

136 (b) indicators of college and career readiness.

137 (2) In calculating the percent of students who graduate, the State Board of Education  
138 shall use the same graduation rate for a high school that is used to determine whether the high  
139 school makes Adequate Yearly Progress under the federal No Child Left Behind accountability  
140 system.

141 (3) A school may earn a maximum of 200 points for the criteria described in  
142 Subsection (1) with two-thirds of the maximum number of points allotted to high school  
143 graduation and one-third allotted to indicators of college and career readiness.

144 Section 9. Section **53A-1-1109** is enacted to read:

145 **53A-1-1109. Calculation of percent of maximum points earned.**

146 (1) The percent of the maximum number of points a school that is not a high school  
147 may earn shall be calculated by:

148 (a) dividing the sum of the points earned for the criteria listed in Sections 53A-1-1106  
149 and 53A-1-1107 by the maximum number of points that a school may earn as provided in

150 Sections 53A-1-1106 and 53A-1107; and

151 (b) multiplying the quotient calculated under Subsection (1)(a) by 100.

152 (2) The percent of the maximum number of points a high school may earn shall be  
153 calculated by:

154 (a) dividing the sum of the points earned for the criteria listed in Sections 53A-1-1106,  
155 53A-1-1107, and 53A-1-1108 by the maximum number of points that a school may earn as  
156 provided in Sections 53A-1-1106, 53A-1-1107, and 53A-1-1108; and

157 (b) multiplying the quotient calculated under Subsection (2)(a) by 100.

158 Section 10. Section **53A-1-1110** is enacted to read:

159 **53A-1-1110. Letter grade based on percent of maximum points earned.**

160 (1) Except as provided in Subsection (2), a school shall receive a letter grade based on  
161 the percent of the maximum number of points the school may earn as calculated under Section  
162 53A-1-1109 as follows:

163 (a) A, 100% - 90%;

164 (b) B, 89% - 80%;

165 (c) C, 79% - 70%;

166 (d) D, 69% - 50%; and

167 (e) F, 49% or less.

168 (2) If student participation in a statewide assessment is fewer than 95%, the school  
169 shall receive an F.

170 Section 11. Section **53A-1-1111** is enacted to read:

171 **53A-1-1111. Students with disabilities.**

172 (1) In implementing the school grading system, the State Board of Education shall  
173 provide for the inclusion of the test scores of a student with a disability.

174 (2) Test scores on an alternative assessment administered to a student with a disability  
175 may substitute for a statewide assessment as defined in Section 53A-1-1102.

176 Section 12. Section **53A-1-1112** is enacted to read:

177 **53A-1-1112. Reporting.**

178 (1) For the 2011-12 school year and thereafter, the State Board of Education, in  
179 collaboration with school districts and charter schools, shall annually develop a school report  
180 card to be delivered to parents of students in public schools.

181 (2) The report card shall include:

182 (a) the school's grade;

183 (b) the percent of the maximum number of points that may be earned; and

184 (c) information indicating the school's performance on the various criteria upon which  
185 the grade is based.

186 (3) On or before August 15, the State Board of Education shall annually publish, on the  
187 State Board of Education's website, a report card for each school with the information required  
188 in Subsection (2).

189 (4) On or before August 15, a school district shall annually publish on the school  
190 district's website, and a school's website, a school report card with the grade for the prior  
191 school year, together with the current school improvement plan established in accordance with  
192 Section 53A-1a-108.5.

193 (5) On or before August 15, a charter school shall annually publish on the charter  
194 school's website a school report card with the grade for the prior school year.

195 Section 13. Section **53A-1-1113** is enacted to read:

196 **53A-1-1113. Rules.**

197 The State Board of Education shall make rules, as necessary, to implement a school  
198 grading system in accordance with this part.

199 Section 14. Section **63A-3-402** is amended to read:

200 **63A-3-402. Utah Public Finance Website -- Establishment and administration --**  
201 **Records disclosure.**

202 (1) There is created the Utah Public Finance Website to be administered by the  
203 Division of Finance with the technical assistance of the Department of Technology Services.

204 (2) The Utah Public Finance Website shall:

205 (a) permit Utah taxpayers to:

206 (i) view, understand, and track the use of taxpayer dollars by making public financial  
207 information available on the Internet for participating state entities' and participating local  
208 entities, using the Utah Public Finance Website; and

209 (ii) link to websites administered by participating local entities that do not use the Utah  
210 Public Finance Website for the purpose of providing participating local entities' public  
211 financial information as required by this part and by rule under Section 63A-3-404;

- 212 (b) allow a person who has Internet access to use the website without paying a fee;
- 213 (c) allow the public to search public financial information on the Utah Public Finance
- 214 Website using those criteria established by the board;
- 215 (d) provide access to financial reports, financial audits, budgets, or other financial
- 216 documents that are used to allocate, appropriate, spend, and account for the government funds,
- 217 as may be established by rule under Section 63A-3-404;
- 218 (e) have a unique and simplified website address;
- 219 (f) be directly accessible via a link from the main page of the official state website;
- 220 [and]
- 221 (g) include other links, features, or functionality that will assist the public in obtaining
- 222 and reviewing public financial information, as may be established by rule under Section
- 223 63A-3-404[-]; and
- 224 (h) include a link to school report cards published on the State Board of Education's
- 225 website pursuant to Section 53A-1-1112.
- 226 (3) The division shall:
- 227 (a) establish and maintain the website, including the provision of equipment, resources,
- 228 and personnel as is necessary;
- 229 (b) maintain an archive of all information posted to the website;
- 230 (c) coordinate and process the receipt and posting of public financial information from
- 231 participating state entities;
- 232 (d) coordinate and regulate the posting of public financial information by participating
- 233 local entities; and
- 234 (e) provide staff support for the advisory committee.
- 235 (4) (a) A participating state entity shall permit the public to view the participating
- 236 entity's public financial information via the website, beginning with information that is
- 237 generated not later than the fiscal year that begins July 1, 2008, except that public financial
- 238 information for an institution of higher education shall be provided beginning with information
- 239 generated for the fiscal year beginning July 1, 2009.
- 240 (b) Not later than May 15, 2009, the website shall:
- 241 (i) be operational; and
- 242 (ii) permit public access to participating state entities' public financial information,



243 except as provided in Subsection (4)(c).

244 (c) An institution of higher education that is a participating state entity shall submit the  
245 entity's public financial information at a time allowing for inclusion on the website no later  
246 than May 15, 2010.

247 (5) A person who negligently discloses a record that is classified as private, protected,  
248 or controlled by Title 63G, Chapter 2, Government Records Access and Management Act, is  
249 not criminally or civilly liable for an improper disclosure of the record if the record is disclosed  
250 solely as a result of the preparation or publication of the Utah Public Finance Website.