

HB0164S03 compared with HB0164

~~{deleted text}~~ shows text that was in HB0164 but was deleted in HB0164S03.

inserted text shows text that was not in HB0164 but was inserted into HB0164S03.

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Representative Kraig Powell proposes the following substitute bill:

EDUCATIONAL TESTING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill amends and repeals provisions related to ~~{certain}~~ student assessments ~~{administered in public schools}~~.

Highlighted Provisions:

This bill:

- ~~{~~ → requires the State Board of Education to make rules providing that scores on certain assessments may be considered in determining a student's academic grade or whether a student may advance to the next grade level;
- ~~}~~ ▶ amends provisions related to ~~{a parent's or guardian's right to excuse a student from taking certain assessments}~~ certain student assessments;
- ▶ repeals references to:
 - criterion-referenced tests;

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- online computer adaptive tests; and
 - a computer adaptive assessment system; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ This bill provides a special effective date. }~~ None

Utah Code Sections Affected:

AMENDS:

53A-1-413, as last amended by Laws of Utah 2015, Chapter 415

53A-1-602, as last amended by Laws of Utah 2015, Chapters 222 and 415

53A-1-603, as last amended by Laws of Utah 2015, Chapters 258, 415, and 444

~~{~~53A-1-604, as last amended by Laws of Utah ~~{2015, Chapter 444~~
~~}~~2013, Chapter 161

53A-1-605, as last amended by Laws of Utah 2015, Chapter 222

53A-1-710, as enacted by Laws of Utah 2015, Chapter 446

53A-1-1202, as enacted by Laws of Utah 2015, Chapter 449

53A-1-1203, as enacted by Laws of Utah 2015, Chapter 449

53A-1-1206, as enacted by Laws of Utah 2015, Chapter 449

53A-1-1207, as enacted by Laws of Utah 2015, Chapter 449

53A-1-1209, as enacted by Laws of Utah 2015, Chapter 449

53A-1a-106, as last amended by Laws of Utah 2012, Chapter 315

53A-3-602.5, as last amended by Laws of Utah 2015, Chapter 415

53A-17a-150, as last amended by Laws of Utah 2013, Chapter 466

53A-17a-172, as enacted by Laws of Utah 2015, Chapter 472

63A-3-402, as last amended by Laws of Utah 2015, Chapters 215, 226, and 283

REPEALS:

53A-1-1101, as enacted by Laws of Utah 2011, Chapter 417

53A-1-1102, as last amended by Laws of Utah 2015, Chapter 452

53A-1-1103, as last amended by Laws of Utah 2015, Chapter 415

53A-1-1104, as last amended by Laws of Utah 2015, Chapters 258 and 452

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53A-1-1104.5, as enacted by Laws of Utah 2014, Chapter 403

53A-1-1105, as last amended by Laws of Utah 2013, Chapter 478 and last amended by
Coordination Clause, Laws of Utah 2013, Chapter 478

53A-1-1106, as last amended by Laws of Utah 2013, Chapter 478

53A-1-1107, as last amended by Laws of Utah 2014, Chapter 403

53A-1-1107.5, as last amended by Laws of Utah 2015, Chapter 452

53A-1-1108, as last amended by Laws of Utah 2014, Chapter 403

53A-1-1109, as enacted by Laws of Utah 2011, Chapter 417

53A-1-1110, as last amended by Laws of Utah 2014, Chapter 403

53A-1-1111, as enacted by Laws of Utah 2011, Chapter 417

53A-1-1112, as last amended by Laws of Utah 2013, Chapter 478

53A-1-1113, as enacted by Laws of Utah 2011, Chapter 417

53A-1-1114, as last amended by Laws of Utah 2015, Chapter 452

53A-1-1208, as enacted by Laws of Utah 2015, Chapter 449

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

Section 1. Section 53A-1-413 is amended to read:

53A-1-413. Student Achievement Backpack -- Utah Student Record Store.

(1) As used in this section:

(a) "Authorized LEA user" means a teacher or other person who is:

(i) employed by an LEA that provides instruction to a student; and

(ii) authorized to access data in a Student Achievement Backpack through the Utah

Student Record Store.

(b) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.

(c) "Student Achievement Backpack" means, for a student from kindergarten through grade 12, a complete learner profile that:

(i) is in electronic format;

(ii) follows the student from grade to grade and school to school; and

(iii) is accessible by the student's parent or guardian or an authorized LEA user.

(d) "U-PASS" means the Utah Performance Assessment System for Students

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established in Part 6, Achievement Tests.

(e) "Utah Student Record Store" means a repository of student data collected from LEAs as part of the state's longitudinal data system that is:

- (i) managed by the Utah State Office of Education;
- (ii) cloud-based; and
- (iii) accessible via a web browser to authorized LEA users.

(2) (a) The State Board of Education shall use the robust, comprehensive data collection system maintained by the Utah State Office of Education, which collects longitudinal student transcript data from LEAs and the unique student identifiers as described in Section 53A-1-603.5, to allow the following to access a student's Student Achievement Backpack:

- (i) the student's parent or guardian; and
 - (ii) each LEA that provides instruction to the student.
- (b) The State Board of Education shall ensure that a Student Achievement Backpack:
- (i) provides a uniform, transparent reporting mechanism for individual student progress;
 - (ii) provides a complete learner history for postsecondary planning;
 - (iii) provides a teacher with visibility into a student's complete learner profile to better inform instruction and personalize education;
 - (iv) assists a teacher or administrator in diagnosing a student's learning needs through the use of data already collected by the State Board of Education;
 - (v) facilitates a student's parent or guardian taking an active role in the student's education by simplifying access to the student's complete learner profile; and
 - (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data storage and collection system.

(3) Using existing information collected and stored in the data warehouse maintained by the Utah State Office of Education, the State Board of Education shall create the Utah Student Record Store where an authorized LEA user may:

- (a) access data in a Student Achievement Backpack relevant to the user's LEA or school; or
- (b) request student records to be transferred from one LEA to another.

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(4) The State Board of Education shall implement security measures to ensure that:

(a) student data stored or transmitted to or from the Utah Student Record Store is secure and confidential pursuant to the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

(b) an authorized LEA user may only access student data that is relevant to the user's LEA or school.

(5) A student's parent or guardian may request the student's Student Achievement Backpack from the LEA or the school in which the student is enrolled.

(6) No later than June 30, 2014, an authorized LEA user shall be able to access student data in a Student Achievement Backpack, which shall include the following data, or request the data be transferred from one LEA to another:

- (a) student demographics;
- (b) course grades;
- (c) course history; and
- (d) results for an assessment administered under U-PASS.

(7) No later than June 30, 2015, an authorized LEA user shall be able to access student data in a Student Achievement Backpack, which shall include the data listed in Subsections (6)(a) through (d) and the following data, or request the data be transferred from one LEA to another:

- (a) section attendance;
- (b) the name of a student's teacher for classes or courses the student takes;
- (c) teacher qualifications for a student's teacher, including years of experience, degree, license, and endorsement;

~~[(d)] results of formative, interim, and summative computer adaptive assessments administered pursuant to Section 53A-1-603;~~

~~[(c)] detailed data demonstrating a student's mastery of the core standards for Utah public schools and objectives as measured by computer adaptive assessments administered pursuant to Section 53A-1-603;~~

~~[(f)]~~ (d) a student's writing sample written for an online writing assessment administered pursuant to Section 53A-1-603;

~~[(g)]~~ (e) student growth scores for U-PASS tests;

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~~[(h)]~~[(f)] a school's grade assigned pursuant to Part 11, School Grading Act;

~~[(i)]~~[(g)] results of benchmark assessments of reading administered pursuant to Section 53A-1-606.6; and

~~[(j)]~~[(h)] a student's reading level at the end of grade 3.

(8) No later than June 30, 2017, the State Board of Education shall ensure that data collected in the Utah Student Record Store for a Student Achievement Backpack shall be integrated into each LEA's student information system and shall be made available to a student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

Section 2. Section 53A-1-602 is amended to read:

53A-1-602. Definitions.

As used in this part:

~~[(1)]~~ "Basic academic subject" means a subject that requires mastery of specific functions, as defined under rules made by the State Board of Education, to include reading, language arts, mathematics, science in grades 4 through 12, and effectiveness of written expression.

~~[(2)]~~[(1)] "Core standards for Utah public schools" means the standards developed and adopted by the State Board of Education that define the knowledge and skills students should have in kindergarten through grade 12 to enable students to be prepared for college or workforce training.

~~[(3)]~~[(2)] "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

~~[(4)]~~[(3)] "Utah Performance Assessment System for Students" or "U-PASS" means:

~~[(a)]~~ as determined by the State Board of Education, criterion-referenced achievement testing or online computer adaptive testing of students in grades 3 through 12 in basic academic subjects;

~~[(b)]~~[(a)] an online writing assessment in grades 5 and 8;

~~[(c)]~~[(b)] college readiness assessments as detailed in Section 53A-1-611; and

~~[(d)]~~[(c)] testing of students in grade 3 to measure reading grade level.

Section ~~[(1)]~~[(3)]. Section **53A-1-603** is amended to read:

53A-1-603. Duties of State Board of Education.

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(1) The State Board of Education shall:

(a) require each school district and charter school to implement the Utah Performance Assessment System for Students, hereafter referred to as U-PASS;

(b) require the state superintendent of public instruction to submit and recommend ~~[(criterion-referenced achievement tests or online computer adaptive tests,]~~ college readiness assessments, an online writing assessment for grades 5 and 8, and a test for students in grade 3 to measure reading grade level to the board for approval and adoption and distribution to each school district and charter school by the state superintendent; and

~~[(c) develop an assessment method to uniformly measure statewide performance, school district performance, and school performance of students in grades 3 through 12 in mastering basic academic subjects; and]~~

~~[(d)]~~ (c) provide for the state to participate in the National Assessment of Educational Progress state-by-state comparison testing program.

(2) Except as provided in Subsection (3) and Subsection 53A-1-611(3), under U-PASS, the State Board of Education shall annually require each school district and charter school, as applicable, to administer:

~~[(a) as determined by the State Board of Education, statewide criterion-referenced tests or online computer adaptive tests in grades 3 through 12 and courses in basic academic subjects of the core standards for Utah public schools;]~~

~~[(b)]~~ (a) an online writing assessment to all students in grades 5 and 8;

~~[(c)]~~ (b) college readiness assessments as detailed in Section 53A-1-611; and

~~[(d)]~~ (c) a test to all students in grade 3 to measure reading grade level.

~~[(3) Beginning with the 2014-15 school year, the State Board of Education shall annually require each school district and charter school, as applicable, to administer a computer adaptive assessment system that is:]~~

~~[(a) adopted by the State Board of Education; and]~~

~~[(b) aligned to the core standards for Utah public schools.]~~

~~[(4)]~~ (3) The board shall adopt rules for the conduct and administration of U-PASS to include the following:

(a) the computation of student performance based on information that is disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who

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qualify for free or reduced price school lunch;

(b) security features to maintain the integrity of the system, which could include statewide uniform testing dates, multiple test forms, and test administration protocols;

(c) the exemption of student test scores, by exemption category, such as limited English proficiency, mobility, and students with disabilities, with the percent or number of student test scores exempted being publically reported at a district level;

(d) compiling of ~~criteria-referenced, online computer adaptive, and~~ online writing test scores and test score averages at the classroom level to allow for:

(i) an annual review of those scores by parents of students and professional and other appropriate staff at the classroom level at the earliest point in time;

(ii) the assessment of year-to-year student progress in specific classes, courses, and subjects; and

(iii) a teacher to review, prior to the beginning of a new school year, test scores from the previous school year of students who have been assigned to the teacher's class for the new school year; and

(e) allowing a school district or charter school to have its tests administered and scored electronically to accelerate the review of test scores and their usefulness to parents and educators under Subsection ~~(4)~~ (3)(d), without violating the integrity of U-PASS ~~;~~ and.

~~(f) providing that scores on the tests and assessments required under Subsection (2)(a) and Subsection (3) may not be considered in determining:~~

~~(i) a student's academic grade for the appropriate course; or~~

~~(ii) whether a student may advance to the next grade level.~~

~~(5)~~ (4) (a) A school district or charter school, as applicable, is encouraged to administer an online writing assessment to students in grade 11.

(b) The State Board of Education may award a grant to a school district or charter school to pay for an online writing assessment and instruction program that may be used to assess the writing of students in grade 11.

~~(6) The State Board of Education shall make rules:~~

~~(a) establishing procedures for applying for and awarding money for computer adaptive tests;~~

~~(b) specifying how money for computer adaptive tests shall be allocated among school~~

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~~districts and charter schools that qualify to receive the money; and~~

~~[(c) requiring reporting of the expenditure of money awarded for computer adaptive testing and evidence that the money was used to implement computer adaptive testing.]~~

~~[(7) The State Board of Education shall assure that computer adaptive tests are administered in compliance with the requirements of Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act.]~~

~~[(8)(a) The State Board of Education shall establish a committee consisting of 15 parents of Utah public education students to review all computer adaptive test questions.]~~

~~[(b) The committee established in Subsection (8)(a) shall include the following parent members:]~~

~~[(i) five members appointed by the chair of the State Board of Education;]~~

~~[(ii) five members appointed by the speaker of the House of Representatives; and]~~

~~[(iii) five members appointed by the president of the Senate.]~~

~~[(c) The State Board of Education shall provide staff support to the parent committee.]~~

~~[(d) The term of office of each member appointed in Subsection (8)(b) is four years.]~~

~~[(e) The chair of the State Board of Education, the speaker of the House of Representatives, and the president of the Senate shall adjust the length of terms to stagger the terms of committee members so that approximately 1/2 of the committee members are appointed every two years.]~~

~~[(f) No member may receive compensation or benefits for the member's service on the committee.]~~

~~[(9)]~~ (5) (a) School districts and charter schools shall require each licensed employee to complete two hours of professional development on youth suicide prevention within their license cycle in accordance with Section 53A-6-104.

(b) The State Board of Education shall develop or adopt sample materials to be used by a school district or charter school for professional development training on youth suicide prevention.

(c) The training required by this Subsection ~~[(9)]~~ (5) shall be incorporated into professional development training required by rule in accordance with Section 53A-6-104.

Section 4. Section 53A-1-604 is amended to read:

53A-1-604. Test development, publication, and administration.

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~~[(1)] The State Board of Education shall develop, publish, and administer criterion-referenced tests.~~

~~[(2)]~~ The board may use the expert services of any person in the public or private sector in:

~~[(a)]~~ (1) evaluating current tests and assessment programs; or

~~[(b)]~~ (2) developing, publishing, and administering new tests.

Section 5. Section 53A-1-605 is amended to read:

53A-1-605. Analysis of results -- Staff professional development.

(1) The State Board of Education, through the state superintendent of public instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels and courses required under Section 53A-1-603.

(2) The plan shall include components designed to:

(a) assist school districts and individual schools to use the results of the analysis in planning, evaluating, and enhancing programs; and

(b) identify schools not achieving state-established acceptable levels of student performance in order to assist those schools in raising their student performance levels.

~~[(3)] The plan shall include provisions for statistical reporting of criterion-referenced or online computer adaptive test results at state, school district, school, and grade or course levels, and shall include actual levels of performance on tests.~~

~~[(4)]~~ (3) Each local school board and charter school governing board shall provide for:

(a) evaluation of the U-PASS test results and use of the evaluations in setting goals and establishing programs; and

(b) a professional development program that provides teachers, principals, and other professional staff with the training required to successfully establish and maintain U-PASS.

Section 6. Section 53A-1-710 is amended to read:

53A-1-710. Digital teaching and learning program task force -- Funding proposal for a program -- Master plan -- Reporting requirements.

(1) As used in this section:

(a) "Board" means the State Board of Education.

(b) "Core subject areas" means the following subject areas:

(i) English language arts;

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- (ii) mathematics;
- (iii) science; and
- (iv) social studies.

(c) "High quality professional learning" means the professional learning standards described in Section 53A-3-701.

(d) "LEA plan" means an LEA's plan to implement a digital teaching and learning program that meets requirements set by the board.

(e) "Local education agency" or "LEA" means:

- (i) a school district;
- (ii) a charter school; or
- (iii) the Utah Schools for the Deaf and the Blind.

~~[(f) "Statewide assessment" means a test of student achievement in English language arts, mathematics, or science, including a test administered in a computer adaptive format, which is administered statewide under Part 6, Achievement Tests.]~~

~~[(g)]~~ [(f)] "Utah Education and Telehealth Network" or "UETN" means the Utah Education and Telehealth Network created in Section 53B-17-105.

(2) (a) The board shall establish a digital teaching and learning task force to develop a funding proposal to present to the Legislature for digital teaching and learning in elementary and secondary schools.

(b) The digital teaching and learning task force shall include representatives of:

- (i) the board;
- (ii) UETN;
- (iii) LEAs; and
- (iv) the Governor's Education Excellence Commission.

(3) (a) The board, in consultation with the digital teaching and learning task force created in Subsection (2), shall create a funding proposal for a statewide digital teaching and learning program designed to:

- (i) improve student outcomes through the use of digital teaching and learning technology; and
- (ii) provide high quality professional learning for educators to improve student outcomes through the use of digital teaching and learning technology.

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(b) The board shall:

(i) identify outcome based metrics to measure student achievement related to a digital teaching and learning program; and

(ii) develop minimum benchmark standards for student achievement and school level outcomes to measure successful implementation of a digital teaching and learning program.

(4) As funding allows, the board shall develop a master plan for a statewide digital teaching and learning program, including the following:

(a) a statement of purpose that describes the objectives or goals the board will accomplish by implementing a digital teaching and learning program;

(b) a forecast for fundamental components needed to implement a digital teaching and learning program, including a forecast for:

(i) student and teacher devices;

(ii) Wi-Fi and wireless compatible technology;

(iii) curriculum software;

(iv) assessment solutions;

(v) technical support;

(vi) change management of LEAs;

(vii) high quality professional learning;

(viii) Internet delivery and capacity; and

(ix) security and privacy of users;

(c) a determination of the requirements for:

(i) statewide technology infrastructure; and

(ii) local LEA technology infrastructure;

(d) standards for high quality professional learning related to implementing and maintaining a digital teaching and learning program;

(e) a statewide technical support plan that will guide the implementation and maintenance of a digital teaching and learning program, including standards and competency requirements for technical support personnel;

(f) (i) a grant program for LEAs; or

(ii) a distribution formula to fund LEA digital teaching and learning programs;

(g) in consultation with UETN, an inventory of the state public education system's

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current technology resources and other items and a plan to integrate those resources into a digital teaching and learning program;

(h) an ongoing evaluation process that is overseen by the board;

(i) proposed rules that incorporate the principles of the master plan into the state's public education system as a whole; and

(j) a plan to ensure long-term sustainability that:

(i) accounts for the financial impacts of a digital teaching and learning program; and

(ii) facilitates the redirection of LEA savings that arise from implementing a digital teaching and learning program.

(5) UETN shall:

(a) in consultation with the board, conduct an inventory of the state public education system's current technology resources and other items as determined by UETN, including software;

(b) perform an engineering study to determine the technology infrastructure needs of the public education system to implement a digital teaching and learning program, including the infrastructure needed for the board, UETN, and LEAs; and

(c) as funding allows, provide infrastructure and technology support for school districts and charter schools.

(6) On or before December 1, 2015, the board and UETN shall present the funding proposal for a statewide digital teaching and learning program described in Subsection (3) to the Education Interim Committee and the Executive Appropriations Committee, including:

(a) the board's progress on the development of a master plan described in Subsection (4); and

(b) the progress of UETN on the inventory and study described in Subsection (5).

Section 7. Section 53A-1-1202 is amended to read:

53A-1-1202. Definitions.

As used in this part:

(1) "Board" means the State Board of Education.

(2) "Charter school authorizer" means the same as that term is defined in Section 53A-1a-501.3.

(3) "District school" means a public school under the control of a local school board

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elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

(4) "Educator" means the same as that term is defined in Section 53A-6-103.

(5) "Initial remedial year" means the year in which a district school or charter school is designated as a low performing school under Section 53A-1-1203.

(6) "Low performing school" means a district school or charter school that has been designated a low performing school by the board because the school is ~~is~~

~~_____ } (a) { } in the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school grading system; and {~~

~~_____ } (b) { }] a low performing school according to [other] outcome-based measures as [may be] defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

~~[(7) "School grade" or "grade" means the letter grade assigned to a school under the school grading system.]~~

~~[(8) "School grading system" means the system established under Part 11, School Grading Act, of assigning letter grades to schools.]~~

~~[(9) "Statewide assessment" means a test of student achievement in English language arts, mathematics, or science, including a test administered in a computer adaptive format that is administered statewide under Part 6, Achievement Tests.]~~

Section 8. Section 53A-1-1203 is amended to read:

53A-1-1203. State Board of Education to designate low performing schools.

On or before August 15, the board shall annually designate a school as a low performing school if the school is ~~is~~

~~_____ } (1) { } in the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school grading system; and {~~

~~_____ } (2) { }] a low performing school according to [other] outcome-based measures as [may be] defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

Section 9. Section 53A-1-1206 is amended to read:

53A-1-1206. State Board of Education to identify independent school turnaround experts -- Review and approval of school turnaround plans -- Appeals process.

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(1) On or before August 30, the board shall identify two or more approved independent school turnaround experts, through a request for proposals process, that a low performing school may select from to partner with to:

(a) collect and analyze data on the low performing school's student achievement, personnel, culture, curriculum, assessments, instructional practices, governance, leadership, finances, and policies;

(b) recommend changes to the low performing school's culture, curriculum, assessments, instructional practices, governance, finances, policies, or other areas based on data collected under Subsection (1)(a);

(c) develop and implement, in partnership with the school turnaround committee, a school turnaround plan that meets the criteria described in Subsection 53A-1-1204(3);

(d) monitor the effectiveness of a school turnaround plan through reliable means of evaluation, including on-site visits, observations, surveys, analysis of student achievement data, and interviews;

(e) provide ongoing implementation support and project management for a school turnaround plan;

(f) provide high-quality professional development personalized for school staff that is designed to build the:

(i) leadership capacity of the school principal; and

(ii) instructional capacity of school staff; and

(g) leverage support from community partners to coordinate an efficient delivery of supports to students both inside and outside the classroom.

(2) In identifying independent school turnaround experts under Subsection (1), the board shall identify experts that:

(a) have a credible track record of improving student academic achievement in public schools with various demographic characteristics ~~[- as measured by statewide assessments]~~;

(b) have experience designing, implementing, and evaluating data-driven instructional systems in public schools;

(c) have experience coaching public school administrators and teachers on designing data-driven school improvement plans;

(d) have experience working with the various education entities that govern public

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schools;

(e) have experience delivering high-quality professional development in instructional effectiveness to public school administrators and teachers;

(f) are willing to be compensated for professional services based on performance as described in Subsection (3); and

(g) are willing to partner with any low performing school in the state, regardless of location.

(3) (a) When awarding a contract to an independent school turnaround expert selected by a local school board under Subsection 53A-1-1204(2) or by a charter school governing board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the board and the independent school turnaround expert specifies that the board will:

(i) pay an independent school turnaround expert no more than 50% of the expert's professional fees at the beginning of the independent school turnaround expert's work for the low performing school; and

(ii) pay the remainder of the independent school turnaround expert's professional fees upon the independent school turnaround expert successfully helping a low performing school improve the low performing school's grade performance, as determined by the board, within three school years after a school is designated a low performing school.

(b) In negotiating a contract with an independent school turnaround expert, the board shall offer ~~;~~

~~(i) differentiated amounts of funding based on student enrollment; and~~

~~(ii) a higher amount of funding for schools that are in the lowest performing 1% of schools statewide according to the percentage of possible points earned under the school grading system.~~

(4) The board shall:

(a) review a school turnaround plan submitted for approval under Subsection 53A-1-1204(5)(b) or under Subsection 53A-1-1205(7)(b) within 30 days of submission;

(b) approve a school turnaround plan that:

(i) is timely;

(ii) is well-developed; and

(iii) meets the criteria described in Subsection 53A-1-1204(3); and

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(c) subject to legislative appropriations, provide funding to a low performing school for interventions identified in an approved school turnaround plan if the local school board or charter school governing board provides matching funds or an in-kind contribution of goods or services in an amount equal to the funding the low performing school would receive from the board.

(5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to establish an appeals process for:

(i) a low performing district school that is not granted approval from the district school's local school board under Subsection 53A-1-1204(5)(b);

(ii) a low performing charter school that is not granted approval from the charter school's charter school governing board under Subsection 53A-1-1205(7)(b); and

(iii) a local school board or charter school governing board that is not granted approval from the board under Subsection (4)(b).

(b) The board shall ensure that rules made under Subsection (5)(a) require an appeals process described in:

(i) Subsections (5)(a)(i) and (ii) to be resolved on or before April 1 of the initial remedial year; and

(ii) Subsection (5)(a)(iii) to be resolved on or before May 15 of the initial remedial year.

(6) The board shall balance the need to prioritize funding appropriated by the Legislature to contract with highly qualified independent school turnaround experts with the need to set aside funding for ~~the~~

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~~(b) the School Recognition and Reward Program created under Section 53A-1-1208.~~

Section 10. Section 53A-1-1207 is amended to read:

53A-1-1207. Consequences for failing to improve the school grade of a low performing school.

(1) As used in this section, "high performing charter school" means a charter school that:

(a) satisfies all requirements of state law and board rules; and

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(b) meets or exceeds standards for student achievement established by the charter school's charter school authorizer~~;~~and

~~[(c) has received at least a "B" grade under the school grading system in the previous two school years.]~~

(2) (a) A low performing school that does not improve the low performing school's ~~[grade by at least one letter grade]~~ performance, as determined by the board, within three school years after the day on which the school is designated a low performing school may petition the board for an extension to continue school improvement efforts for up to two years.

~~[(b) The board may only grant an extension under Subsection (2)(a) if the low performing school has increased the number of points awarded under the school grading system by at least:]~~

~~[(i) 25% for a school that is not a high school; and]~~

~~[(ii) 10% for a high school.]~~

~~[(c)]~~ (b) The board may extend the contract of an independent school turnaround expert of a low performing school that is granted an extension under this Subsection (2).

~~[(d)]~~ (c) A school that has been granted an extension under this Subsection (2) is eligible for~~;~~

~~— [(i) { }]~~ continued funding under Subsection 53A-1-1206(4)(c)~~;~~and.

~~[(ii) the School Recognition and Reward Program under Section 53A-1-1208.]~~

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules establishing consequences for a low performing school that:

(a) (i) does not improve the school's ~~[grade]~~ performance, as determined by the board, within three school years after the day on which the school is designated a low performing school; and

(ii) is not granted an extension under Subsection (2); or

(b) (i) is granted an extension under Subsection (2); and

(ii) does not improve the school's ~~[grade]~~ performance, as determined by the board, within two school years after the day on which the low performing school is granted an extension.

(4) The board shall ensure that the rules established under Subsection (3) include a mechanism for:

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- (a) restructuring a district school that may include:
 - (i) contract management;
 - (ii) conversion to a charter school; or
 - (iii) state takeover; and
- (b) restructuring a charter school that may include:
 - (i) termination of a school's charter;
 - (ii) closure of a charter school; or
 - (iii) transferring operation and control of the charter school to:
 - (A) a high performing charter school; or
 - (B) the school district in which the charter school is located.

Section 11. Section 53A-1-1209 is amended to read:

53A-1-1209. School Leadership Development Program.

- (1) As used in this section, "school leader" means a school principal or assistant principal.
- (2) There is created the School Leadership Development Program to increase the number of highly effective school leaders capable of initiating, achieving, and sustaining school improvement efforts.
- (3) The board shall identify one or more providers, through a request for proposals process, to develop or provide leadership development training for school leaders that:
 - (a) may provide in-depth training in proven strategies to turn around low performing schools;
 - (b) may emphasize hands-on and job-embedded learning;
 - (c) aligns with the state's leadership standards established by board rule;
 - (d) reflects the needs of a school district or charter school where a school leader serves;
 - (e) may include training on using student achievement data to drive decisions;
 - (f) may develop skills in implementing and evaluating evidence-based instructional practices; and
 - (g) may develop skills in leading collaborative school improvement structures, including professional learning communities.
- (4) Subject to legislative appropriations, the State Board of Education shall provide incentive pay to a school leader who:

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(a) completes leadership development training under this section; and
(b) agrees to work, for at least five years, in a ~~[school that received an "F" grade or "D" grade under the school grading system]~~ low performing school in the school year previous to the first year the school leader:

- (i) completes leadership development training; and
- (ii) begins to work, or continues to work, in a school described in this Subsection

(4)(b).

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules specifying:

- (a) eligibility criteria for a school leader to participate in the School Leadership Development Program;
- (b) application procedures for the School Leadership Development Program;
- (c) criteria for selecting school leaders from the application pool; and
- (d) procedures for awarding incentive pay under Subsection (4).

Section 12. Section 53A-1a-106 is amended to read:

53A-1a-106. School district and individual school powers -- Student education/occupation plan (SEOP) definition.

(1) In order to acquire and develop the characteristics listed in Section 53A-1a-104, each school district and each public school within its respective district shall implement a comprehensive system of accountability in which students advance through public schools by demonstrating competency in required skills and mastery of required knowledge through the use of diverse assessment instruments such as ~~[authentic and criterion referenced]~~ tests, projects, and portfolios.

(2) (a) Each school district and public school shall:

- (i) develop and implement programs integrating technology into the curriculum, instruction, and student assessment;
- (ii) provide for teacher and parent involvement in policymaking at the school site;
- (iii) implement a public school choice program to give parents, students, and teachers greater flexibility in designing and choosing among programs with different focuses through schools within the same district and other districts, subject to space availability, demographics, and legal and performance criteria;

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(iv) establish strategic planning at both the district and school level and site-based decision making programs at the school level;

(v) provide opportunities for each student to acquire and develop academic and occupational knowledge, skills, and abilities;

(vi) participate in ongoing research and development projects primarily at the school level aimed at improving the quality of education within the system; and

(vii) involve business and industry in the education process through the establishment of partnerships with the business community at the district and school level.

(b) (i) As used in this title, "student education/occupation plan" or "SEOP" means a plan developed by a student and the student's parent or guardian, in consultation with school counselors, teachers, and administrators that:

(A) is initiated at the beginning of grade 7;

(B) identifies a student's skills and objectives;

(C) maps out a strategy to guide a student's course selection; and

(D) links a student to post-secondary options, including higher education and careers.

(ii) Each local school board, in consultation with school personnel, parents, and school community councils or similar entities shall establish policies to provide for the effective implementation of a personalized student education plan (SEP) or student education/occupation plan (SEOP) for each student at the school site.

(iii) The policies shall include guidelines and expectations for:

(A) recognizing the student's accomplishments, strengths, and progress towards meeting student achievement standards as defined in U-PASS;

(B) planning, monitoring, and managing education and career development; and

(C) involving students, parents, and school personnel in preparing and implementing SEPs and SEOPs.

(iv) A parent may request conferences with school personnel in addition to SEP or SEOP conferences established by local school board policy.

(v) Time spent during the school day to implement SEPs and SEOPs is considered part of the school term referred to in Subsection 53A-17a-103(4).

(3) A school district or public school may submit proposals to modify or waive rules or policies of a supervisory authority within the public education system in order to acquire or

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develop the characteristics listed in Section 53A-1a-104.

(4) (a) Each school district and public school shall make an annual report to its patrons on its activities under this section.

(b) The reporting process shall involve participation from teachers, parents, and the community at large in determining how well the district or school is performing.

Section 13. Section 53A-3-602.5 is amended to read:

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

(1) For a school year beginning with or after the 2010-11 school year, the State Board of Education in collaboration with the state's school districts and charter schools shall develop a school performance report to inform the state's residents of the quality of schools and the educational achievement of students in the state's public education system.

(2) The report described in Subsection (1) shall be written and include the following statistical data for each school in a school district and each charter school, as applicable, except as provided by Subsection (2)(g), and shall also aggregate the data at the school district and state level:

(a) test scores over the previous year on:

~~[(i) criterion-referenced or online computer adaptive tests to include the scores aggregated for all students:]~~

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

~~[(B) by class;]~~

~~[(ii)] (i) online writing assessments required under Section 53A-1-603; and~~

~~[(iii)] (ii) college readiness assessments required under Section 53A-1-603;~~

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

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

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

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

(iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and

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percent who pass the test; and

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

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

(e) the number and percent of students who were absent from school 10 days or more during the school year;

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

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

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

(i) student mobility;

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

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

(l) average class size calculated in accordance with State Board of Education rule adopted under Subsection (4);

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

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

(3) For a school year beginning with or after the 2010-11 school year, the State Board of Education, in collaboration with the state's school districts and charter schools, shall provide for the collection and electronic reporting of the following data for a school in each school district and each charter school:

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

~~(b) the average grade given in each math, science, and English course in grades 9 through 12 for which criterion-referenced or online computer adaptive tests are required under~~

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~~Section 53A-1-603;~~

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

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

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

(b) (i) In accordance with Subsections (4)(b)(ii) through (4)(b)(iv), the State Board of Education shall adopt rules specifying how average class size shall be calculated.

(ii) (A) Except as provided by Subsections (4)(b)(ii)(B) through (4)(b)(ii)(D) or for nontraditional classes identified by rule, average class size at the elementary school level shall:

(I) be calculated by grade level; and

(II) indicate the average number of students who are assigned to a teacher for instruction together during a designated time period.

(B) If students at the elementary school level receive instruction in basic academic classes from different teachers, average class size may be calculated as provided by Subsection (4)(b)(iii) for secondary school students.

(C) An elementary school class that includes students from multiple grade levels shall be counted as a single class.

(D) An extended day class in which a portion of the class arrives early and the other portion stays late shall be counted as a single class.

(iii) (A) Except as provided by Subsection (4)(b)(iii)(B) or for nontraditional classes identified by rule, average class size at the secondary school level shall:

(I) be calculated for core language arts, mathematics, and science courses; and

(II) indicate the average number of students who are assigned to a teacher for instruction together during a designated time period.

(B) A secondary school class in which a teacher provides instruction in multiple courses shall be counted as a single class.

(iv) Special education classes and online classes shall be excluded when determining

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average class size by grade at the elementary school level or the average class size of core language arts, mathematics, and science courses at the secondary level.

(c) The State Board of Education, through the state superintendent of public instruction, shall adopt standard reporting forms and provide a common template for collecting and reporting the data, which shall be used by all school districts and charter schools.

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

(5) (a) For a school year beginning with or after the 2010-11 school year, the State Board of Education, through the state superintendent of public instruction, shall issue its report annually by October 1 to include the required data from the previous school year or years as indicated in Subsections (2) and (3).

(b) The State Board of Education shall publish on the State Board of Education's website U-PASS school reports for the 2009-10 school year that indicate the academic proficiency and progress of a school's students and whether the school meets state standards of performance.

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

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

Section ~~{2}~~14. Section ~~{53A-15-1403}~~53A-17a-150 is amended to read:

~~{53A-15-1403. Parental right to academic accommodations.~~

~~———— (1) (a) A student's parent or guardian is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent or guardian. As such, a student's parent or guardian has the right to reasonable academic accommodations from the student's LEA as specified in this section.~~

~~———— (b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.~~

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~~(c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent or guardian as a user of the public education system.~~

~~(d) An accommodation}~~ 53A-17a-150. K-3 Reading Improvement Program.

(1) As used in this section:

(a) "Board" means the State Board of Education.

(b) "Five domains of reading" include phonological awareness, phonics, fluency, comprehension, and vocabulary.

(c) "Program" means the K-3 Reading Improvement Program.

(d) "Program money" means:

(i) school district revenue allocated to the program from other money available to the school district, except money provided by the state, for the purpose of receiving state funds under this section ~~{ may only be provided if the accommodation is:~~

~~(i) consistent with federal law}~~; and

~~(ii) {consistent with a student's IEP if the student already has an IEP.~~

~~(2) An LEA shall reasonably accommodate a parent's or guardian's written request to retain a student}~~ money appropriated by the Legislature to the program.

(2) The K-3 Reading Improvement Program consists of program money and is created to supplement other school resources to achieve the state's goal of having third graders reading at or above grade level.

(3) Subject to future budget constraints, the Legislature may annually appropriate money to the K-3 Reading Improvement Program.

(4) (a) To receive program money, a school district or charter school must submit a plan to the board for reading proficiency improvement that incorporates the following components:

(i) assessment;

(ii) intervention strategies;

(iii) professional development for classroom teachers in kindergarten through grade ~~{8}~~ three;

(iv) reading performance standards; and

(v) specific measurable goals that include the following:

(A) a growth goal for each school within a school district and each charter school

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based upon student learning gains as measured by benchmark assessments administered pursuant to Section 53A-1-606.6; and

(B) a growth goal for each school district and charter school to increase the percentage of third grade students who read on grade level ~~(based on the student's academic ability or the student's social, emotional, or physical maturity.~~

~~—— (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a teacher or request for a change of teacher.~~

~~—— (4) An LEA shall reasonably accommodate the request of a student's parent or guardian to visit and observe any class the student attends.~~

~~—— (5) Notwithstanding Chapter 11, Part 1, Compulsory Education Requirements, an LEA shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if:~~

~~—— (a) the parent or guardian submits a written statement at least one school day before the scheduled absence; and~~

~~—— (b) the student agrees to make up course work for school days missed for the scheduled absence in accordance with LEA policy.~~

~~—— (6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request to place a student in a specialized class, a specialized program, or an advanced course.~~

~~—— (b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).~~

~~—— (7) Consistent with Section 53A-13-108, which requires the State Board of Education to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit towards high school graduation without completing a course in school by:~~

~~—— (a) testing out of the course; or~~

~~—— (b) demonstrating competency in course standards.~~

~~—— (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a regularly scheduled parent teacher conference.~~

~~—— (9) (a) At the request of a student's parent or guardian, an LEA shall excuse a student from taking an assessment that:~~

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- ~~—— (i) is federally mandated;~~
- ~~—— (ii) is mandated by the state under this title; or~~
- ~~—— [(iii) requires the use of:]~~
- ~~—— [(A)] (iii) is an end-of-grade-level assessment utilizing a state assessment system[; or];~~
- ~~—— [(B) software that is provided or paid for by the state.]~~
- ~~—— (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules to:~~
 - ~~—— (i) [to] establish a statewide procedure for excusing a student under Subsection (9)(a) that:~~
 - ~~—— (A) does not place an undue burden on a parent or guardian; and~~
 - ~~—— (B) may be completed online; [and]~~
 - ~~—— (ii) [to] prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school grading or employee evaluations due to a student not taking a test under Subsection (9)(a)[.]; and~~
 - ~~—— (iii) subject to Subsection (9)(c)(iii), establish conditions under which incentives or rewards may be offered to a student for taking an assessment} from year to year as measured by the third grade reading test administered pursuant to Section 53A-1-603.~~
 - (b) The board shall provide model plans which a school district or charter school may use, or the school district or charter school may develop its own plan.
 - (c) Plans developed by a school district or charter school shall be approved by the board.
 - (d) The board shall develop uniform standards for acceptable growth goals that a school district or charter school adopts as described in this Subsection (4).
 - (5) (a) There is created within the K-3 Reading Achievement Program three funding programs:
 - (i) the Base Level Program;
 - (ii) the Guarantee Program; and
 - (iii) the Low Income Students Program.
 - (b) The board may use no more than \$7,500,000 from an appropriation described in

Subsection (~~(9)~~(a):

- ~~—— (c) An LEA:~~

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~~(i) shall follow the procedures outlined in rules made by the State Board of Education under Subsection (9)(b) to excuse a student under Subsection (9)(a);~~

~~(ii) may not require procedures to excuse a student;~~ 3) for computer-assisted instructional learning and assessment programs.

(6) Money appropriated to the board for the K-3 Reading Improvement Program and not used by the board for computer-assisted instructional learning and assessments as described in Subsection (5)(b), shall be allocated to the three funding programs as follows:

(a) 8% to the Base Level Program;

(b) 46% to the Guarantee Program; and

(c) 46% to the Low Income Students Program.

(7) (a) To participate in the Base Level Program, a school district or charter school shall submit a reading proficiency improvement plan to the board as provided in Subsection (4) and must receive approval of the plan from the board.

(b) (i) Each school district qualifying for Base Level Program funds and the qualifying elementary charter schools combined shall receive a base amount.

(ii) The base amount for the qualifying elementary charter schools combined shall be allocated among each school in an amount proportionate to:

(A) each existing charter school's prior year fall enrollment in grades kindergarten through grade three; and

(B) each new charter school's estimated fall enrollment in grades kindergarten through grade three.

(8) (a) A school district that applies for program money in excess of the Base Level Program funds shall choose to first participate in either the Guarantee Program or the Low Income Students Program.

(b) A school district must fully participate in either the Guarantee Program or the Low Income Students Program before it may elect to either fully or partially participate in the other program.

(c) To fully participate in the Guarantee Program, a school district shall allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000056.

(d) To fully participate in the Low Income Students Program, a school district shall

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allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000065.

(e) (i) The board shall verify that a school district allocates the money required in accordance with Subsections (8)(c) and (d) before it distributes funds in accordance with this section.

(ii) The State Tax Commission shall provide the board the information the board needs in order to comply with Subsection (8)(e)(i).

(9) (a) Except as provided in Subsection (9)(c), a school district that fully participates in the Guarantee Program shall receive state funds in an amount that is:

(i) equal to the difference between \$21 times the district's total WPUs and the revenue the school district is required to allocate under Subsection (9)(a) in addition to the procedures outlined in rules made by the State Board of Education under Subsection (9)(b); [and]

——— [(iii) may not reward a student for taking an assessment]; 8)(c) to fully participate in the Guarantee Program; and

(ii) not less than \$0.

(b) Except as provided in Subsection (9)(c), an elementary charter school shall receive under the Guarantee Program an amount equal to \$21 times the school's total WPUs.

(c) The board may adjust the \$21 guarantee amount described in
{Subsection} Subsections (9)(a) {;}

——— [(iii) may not penalize a student who is excused from taking an assessment]; and (b) to account for actual appropriations and money used by the board for computer-assisted instructional learning and assessments.

(10) The board shall distribute Low Income Students Program funds in an amount proportionate to the number of students in each school district or charter school who qualify for free or reduced price school lunch multiplied by two.

(11) A school district that partially participates in the Guarantee Program or Low Income Students Program shall receive program funds based on the amount of school district revenue allocated to the program as a percentage of the amount of revenue that could have been allocated if the school district had fully participated in the program.

(12) (a) A school district or charter school shall use program money for reading proficiency improvement interventions in grades kindergarten through grade 3 that have proven

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to significantly increase the percentage of students reading at grade level, including:

(i) reading assessments; and

(ii) focused reading remediations that may include:

(A) the use of reading specialists;

(B) tutoring;

(C) before or after school programs;

(D) summer school programs; or

(E) the use of reading software; or

(F) the use of interactive computer software programs for literacy instruction and assessments for students.

(b) A school district or charter school may use program money for portable technology devices used to administer reading assessments.

(c) Program money may not be used to supplant funds for existing programs, but may be used to augment existing programs.

(13) (a) Each school district and charter school shall annually submit a report to the board accounting for the expenditure of program money in accordance with its plan for reading proficiency improvement.

(b) On or before the November meeting of the Education Interim Committee of each year, the board shall report a summary of the reading improvement program expenditures of each school district and charter school.

(c) If a school district or charter school uses program money in a manner that is inconsistent with Subsection (12), the school district or charter school is liable for reimbursing the board for the amount of program money improperly used, up to the amount of program money received from the board.

(14) (a) The board shall make rules to implement the program.

(b) (i) The rules under Subsection (~~(9)~~(a) for not taking the assessment; and ~~(iv) may require a student who is excused from taking an assessment~~) 14)(a) shall require each school district or charter school to annually report progress in meeting school and school district goals stated in the school district's or charter school's plan for student reading proficiency.

(ii) If a school does not meet or exceed the school's goals, the school district or charter

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school shall prepare a new plan which corrects deficiencies. The new plan must be approved by the board before the school district or charter school receives an allocation for the next year.

(15) (a) If for two consecutive school years, a school district fails to meet its goal to increase the percentage of third grade students who read on grade level as measured by the third grade reading test administered pursuant to Section 53A-1-603, the school district shall terminate any levy imposed under Section 53A-17a-151 and may not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

(b) If for two consecutive school years, a charter school fails to meet its goal to increase the percentage of third grade students who read on grade level as measured by the third grade reading test administered pursuant to Section 53A-1-603, the charter school may not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

(16) The board shall make an annual report to the Public Education Appropriations Subcommittee that:

(a) includes information on:

(i) student learning gains in reading for the past school year and the five-year trend;

(ii) the percentage of third grade students reading on grade level in the past school year and the five-year trend; and

(iii) the progress of schools and school districts in meeting goals stated in a school district's or charter school's plan for student reading proficiency; and

~~(iv) the correlation between third grade students reading on grade level and results of third grade language arts scores on a criterion-referenced test or computer adaptive test; and~~

(b) may include recommendations on how to increase the percentage of third grade students who read on grade level.

Section 15. Section 53A-17a-172 is amended to read:

53A-17a-172. Use of minimum school program funds for dropout recovery services.

(1) As used in this section:

(a) "Adequate monthly progress" means:

(i) an amount of progress that is measurable on a monthly basis and that, if continued for a full school year, would result in the same amount of academic credit being awarded to an eligible student as would be awarded to a regularly enrolled full-time student during a school

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year; or

(ii) completion of one-quarter credit of college and career readiness course work.

(b) "Attainment goal" means:

(i) for an eligible student up to 18 years of age:

(A) earning a high school diploma;

(B) earning a Utah High School Completion Diploma, as defined in State Board of

Education rule; or

(C) earning an industry-based certificate that is likely to result in job placement; or

(ii) for an eligible student over 18 years of age, earning a high school diploma as required under Section 53A-12-101.

(c) "Average daily membership" means the same as that term is defined in Section 53A-17a-103.

(d) "Cohort" means a group of students, defined by the year the group enters ninth grade.

(e) "College and career readiness course work" means course work that prepares a student to succeed in a:

(i) post-secondary environment, such as course work designed to teach time management skills and study skills; and

(ii) work environment, such as:

(A) career and technical education courses;

(B) career exploration and planning courses;

(C) course work designed to teach the soft skills that are necessary to succeed in a work environment; and

(D) course work designed to prepare a student to pass an industry based certification exam.

(f) "Eligible student" means a student:

(i) who has withdrawn from a secondary school prior to earning a diploma with no legitimate reason for departure or absence from school;

(ii) who has been dropped from average daily membership for having a certain number of unexcused absences as described in rules established by the State Board of Education; and

(iii) (A) whose cohort has not yet graduated; or

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(B) whose cohort graduated in the previous school year.

(g) (i) "Local education agency" or "LEA" means a school district or charter school.

(ii) "Local education agency" or "LEA" does not include ~~:(A) an alternative school as defined in Section 53A-1-1102; or (B)~~ a statewide virtual school.

(2) (a) An LEA shall provide a dropout recovery program for eligible students that includes the following dropout recovery services:

(i) recruiting eligible students;

(ii) working with an eligible student to identify and mitigate social barriers to regular school attendance;

(iii) developing a learning plan, in consultation with the eligible student to:

(A) identify an attainment goal; and

(B) specify adequate monthly progress toward the attainment goal;

(iv) monitoring an eligible student's progress against the eligible student's learning plan;

(v) providing tiered interventions for an eligible student who is not making adequate monthly progress; and

(vi) providing dropout recovery services to eligible students throughout the calendar year.

(b) An LEA shall allow an eligible student to enroll in a dropout recovery program under Subsection ~~(4)(a)~~ to complete an alternate assignment if the alternate assignment is not more rigorous than the state's content or end-of-grade-level assessment:

~~(d)~~ (2)(a) at any point during the calendar year.

(3) An LEA that does not meet the criteria described in Subsections (4)(a) and (b) may contract with a provider to provide one or more of the dropout recovery services described in Subsection (2)(a).

(4) An LEA shall contract with a provider to provide the dropout recovery services described in Subsection (2)(a) if:

(a) the LEA has a graduation rate that is lower than the statewide graduation rate, as annually calculated by the State Board of Education; and

(b) (i) on average over the previous calendar year, at least 10% of the eligible students in the LEA have not made adequate monthly progress toward an attainment goal; or

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(ii) the LEA's graduation rate, as calculated annually by the State Board of Education, has not increased by at least 1% as compared to the previous school year.

(5) An LEA described in Subsection (4) shall ensure that:

(a) a provider that is contracted with under Subsection (4) has a demonstrated record of effectiveness engaging with and recovering eligible students; and

(b) a contract with a provider requires the provider to:

(i) provide the services described in Subsection (2)(a); and

(ii) regularly report an eligible student's progress to the LEA.

(6) (a) Subject to Subsection (6)(b), an LEA may count a student who was classified as an eligible student during a previous school year in average daily membership for the current school year if the eligible student is enrolled in a dropout recovery services program under Subsection (2)(a) during the current school year.

(b) An LEA may count a student in average daily membership under Subsection (6)(a):

(i) for a month during which the student makes adequate monthly progress, calculated in accordance with rules established by the State Board of Education under Subsection (7)(a); and

(ii) if a student re-enrolls in an LEA or statewide course or program, in accordance with the pupil accounting provisions under Section 53A-17a-106 and State Board of Education rule.

(7) The State Board of Education shall:

~~(i) maintain and publish a list of state assessments[,], and state assessment systems[,], and software] that qualify}~~a) make rules specifying procedures for calculating average daily membership under Subsection (9)6)(a)b(i); and

~~(ii) audit and verify an LEA's compliance with the requirements of this Subsection (9):~~

~~(10)(a)b)~~ensure that the amount accounted for under Subsection (6):

(i) does not exceed one pupil in average daily membership per student;

(ii) includes only the value of the kindergarten through grade 12 weighted pupil unit;

and

(iii) excludes add-on weighted pupil units.

(8) An LEA shall annually submit a report to the State Board of Education on dropout

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recovery services provided under this section, including:

(a) the number of eligible students:

(i) in the LEA;

(ii) enrolled in a dropout recovery program under Subsection (2)(a);

(iii) making adequate monthly progress toward an attainment goal; and

(iv) counted in average daily membership under Subsections (6)(b)(i) and (ii); and

(b) funding allocated to provide for:

~~—— (i) the distribution of a copy of a school's discipline and conduct policy to each student;~~ a dropout recovery program as described in Subsection (2).

(9) The State Board of Education shall:

(a) review reports submitted under Subsection (8);

(b) ensure that an LEA described in Subsection (4) contracts with a provider to provide dropout recovery services in accordance with ~~{Section 53A-11-903; and~~

~~—— (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline and conduct policy.~~

~~—— (b) An LEA shall notify a parent or guardian of a student's violation of a school's discipline and conduct policy and allow a parent or guardian to respond to the notice in accordance with Chapter 11, Part 9, School Discipline and Conduct Plans.~~

~~—— Section 3. **Effective date:**~~

~~—— (1) (a) Except as provided in Subsection (2), if approved by two-thirds of all the members elected to each house, Section 53A-1-603 takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.~~

~~—— (b) If Section 53A-1-603 is not approved by two-thirds of all the members elected to each house, Section 53A-1-603 takes effect on July 1, 2016.~~

~~—— (2) Section 53A-15-1403 takes effect on July 1, 2016.~~

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~~Office of Legislative Research and General Counsel~~; Subsections (4) and (5); and

(c) annually report to the Education Interim Committee on the provisions of this section.

Section 16. Section 63A-3-402 is amended to read:

63A-3-402. Utah Public Finance Website -- Establishment and administration -- Records disclosure -- Exceptions.

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

(2) The Utah Public Finance Website shall:

(a) permit Utah taxpayers to:

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

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

(b) allow a person who has Internet access to use the website without paying a fee;

(c) allow the public to search public financial information on the Utah Public Finance Website using criteria established by the board;

(d) provide access to financial reports, financial audits, budgets, or other financial documents that are used to allocate, appropriate, spend, and account for government funds, as may be established by rule under Section 63A-3-404;

(e) have a unique and simplified website address;

(f) be directly accessible via a link from the main page of the official state website; and

(g) include other links, features, or functionality that will assist the public in obtaining and reviewing public financial information, as may be established by rule under Section 63A-3-404[; and].

[(h) include a link to school report cards published on the State Board of Education's website under Section 53A-1-1112.]

(3) The division shall:

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(a) establish and maintain the website, including the provision of equipment, resources, and personnel as necessary;

(b) maintain an archive of all information posted to the website;

(c) coordinate and process the receipt and posting of public financial information from participating state entities;

(d) coordinate and regulate the posting of public financial information by participating local entities and independent entities; and

(e) provide staff support for the advisory committee.

(4) (a) A participating state entity and each independent entity shall permit the public to view the entity's public financial information via the website, beginning with information that is generated not later than the fiscal year that begins July 1, 2008, except that public financial information for an:

(i) institution of higher education shall be provided beginning with information generated for the fiscal year beginning July 1, 2009; and

(ii) independent entity shall be provided beginning with information generated for the entity's fiscal year beginning in 2014.

(b) No later than May 15, 2009, the website shall:

(i) be operational; and

(ii) permit public access to participating state entities' public financial information, except as provided in Subsections (4)(c) and (d).

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

(d) No later than the first full quarter after July 1, 2014, an independent entity shall submit the entity's public financial information for inclusion on the Utah Public Finance Website or via a link to its own website on the Utah Public Finance Website.

(5) (a) The Utah Educational Savings Plan, created in Section 53B-8a-103, shall provide the following financial information to the division for posting on the Utah Public Finance Website:

(i) administrative fund expense transactions from its general ledger accounting system;
and

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(ii) employee compensation information.

(b) The plan is not required to submit other financial information to the division, including:

(i) revenue transactions;

(ii) account owner transactions; and

(iii) fiduciary or commercial information, as defined in Section 53B-12-102.

(6) (a) The following independent entities shall each provide administrative expense transactions from its general ledger accounting system and employee compensation information to the division for posting on the Utah Public Finance Website or via a link to a website administered by the independent entity:

(i) the Utah Capital Investment Corporation, created in Section 63N-6-301;

(ii) the Utah Housing Corporation, created in Section 63H-8-201; and

(iii) the School and Institutional Trust Lands Administration, created in Section 53C-1-201.

(b) For purposes of this part, an independent entity described in Subsection (6)(a) is not required to submit to the division, or provide a link to, other financial information, including:

(i) revenue transactions of a fund or account created in its enabling statute;

(ii) fiduciary or commercial information related to any subject if the disclosure of the information:

(A) would conflict with fiduciary obligations; or

(B) is prohibited by insider trading provisions;

(iii) information of a commercial nature, including information related to:

(A) account owners, borrowers, and dependents;

(B) demographic data;

(C) contracts and related payments;

(D) negotiations;

(E) proposals or bids;

(F) investments;

(G) the investment and management of funds;

(H) fees and charges;

(I) plan and program design;

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(J) investment options and underlying investments offered to account owners;

(K) marketing and outreach efforts;

(L) lending criteria;

(M) the structure and terms of bonding; and

(N) financial plans or strategies; and

(iv) information protected from public disclosure by federal law.

(7) (a) As used in this Subsection (7):

(i) "Local education agency" means a school district or a charter school.

(ii) "New school building project" means:

(A) the construction of a school or school facility that did not previously exist in a local education agency; or

(B) the lease or purchase of an existing building, by a local education agency, to be used as a school or school facility.

(iii) "School facility" means a facility, including a pool, theater, stadium, or maintenance building, that is built, leased, acquired, or remodeled by a local education agency regardless of whether the facility is open to the public.

(iv) "Significant school remodel" means a construction project undertaken by a local education agency with a project cost equal to or greater than \$2,000,000, including:

(A) the upgrading, changing, alteration, refurbishment, modification, or complete substitution of an existing school or school facility in a local education agency; or

(B) the addition of a school facility.

(b) For each new school building project or significant school remodel, the local education agency shall:

(i) prepare an annual school plant capital outlay report; and

(ii) submit the report:

(A) to the division for publication on the Utah Public Finance Website; and

(B) in a format, including any raw data or electronic formatting, prescribed by applicable division policy.

(c) The local education agency shall include in the capital outlay report described in Subsection (7)(b)(i) the following information as applicable to each new school building project or significant school remodel:

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(i) the name and location of the new school building project or significant school remodel;

(ii) construction and design costs, including:

(A) the purchase price or lease terms of any real property acquired or leased for the project or remodel;

(B) facility construction;

(C) facility and landscape design;

(D) applicable impact fees; and

(E) furnishings and equipment;

(iii) the gross square footage of the project or remodel;

(iv) the year construction was completed; and

(v) the final student capacity of the new school building project or, for a significant school remodel, the increase or decrease in student capacity created by the remodel.

(d) (i) For a cost, fee, or other expense required to be reported under Subsection (7)(c), the local education agency shall report the actual cost, fee, or other expense.

(ii) The division may require that a local education agency provide further itemized data on information listed in Subsection (7)(c).

(e) (i) No later than May 15, 2015, a local education agency shall provide the division a school plant capital outlay report for each new school building project and significant school remodel completed on or after July 1, 2004, and before May 13, 2014.

(ii) For a new school building project or significant school remodel completed after May 13, 2014, the local education agency shall provide the school plant capital outlay report described in this Subsection (7) to the division annually by a date designated by the division.

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

Section 17. Repealer.

This bill repeals:

Section 53A-1-1101, Title.

Section 53A-1-1102, Definitions.

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Section 53A-1-1103, State Board of Education to establish school grading system --
Report to Education Interim Committee.

Section 53A-1-1104, Schools included in grading system.

Section 53A-1-1104.5, Two school grades assigned to a combination school.

Section 53A-1-1105, Criteria for determining school grades.

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

Section 53A-1-1107, Calculation of points earned for students demonstrating
sufficient growth in language arts, mathematics, and science.

Section 53A-1-1107.5, Growth target established to determine whether a student
demonstrates sufficient growth in a subject.

Section 53A-1-1108, Calculation of additional points earned for high school
graduation and college and career readiness.

Section 53A-1-1109, Calculation of percent of maximum points earned.

Section 53A-1-1110, Letter grade based on percentage of maximum points earned.

Section 53A-1-1111, Students with disabilities.

Section 53A-1-1112, Reporting.

Section 53A-1-1113, Rules.

Section 53A-1-1114, Exceptions applicable to determining school grades for the
2014-15 school year.

Section 53A-1-1208, School Recognition and Reward Program.